## CONTENTS

Generic Residence ................................................................................................................................. 3  
RA Applications For Residence Class Visas ......................................................................................... 5  
R Residence Instructions .................................................................................................................. 26  
R1 Objective ..................................................................................................................................... 27  
R2 Lodging an application ................................................................................................................ 28  
R3 Generic Adoptions....................................................................................................................... 51  
R4 Sponsorship for residence class visas.......................................................................................... 54  
R5 Determining an Application ........................................................................................................ 62  
R6 New Zealand Residence Programme ......................................................................................... 96  
R7 Confirming or transferring a residence class visa ................................................................. 100  
R8 Special Cases ............................................................................................................................. 105  

Business ........................................................................................................................................... 106  
BA Business Immigration Instructions ............................................................................................ 108  
BB Entrepreneur Work Visa Category ........................................................................................... 115  
BE Employees of Relocating Businesses Category ..................................................................... 137  
BF English language requirements ................................................................................................. 160  
BF1 Principal applicants.................................................................................................................. 161  
BG Global Impact Visa Categories .................................................................................................. 179  
BG1 Objective and Overview .......................................................................................................... 180  
BG2 Global Impact work visa........................................................................................................ 182  
BG3 Global Impact permanent resident visa ............................................................................... 188  
BH Entrepreneur Residence Visa Category .................................................................................... 191  
BJ Migrant Investment Categories ............................................................................................... 219  
BM Fit and proper person requirements ....................................................................................... 291  

Family Categories .............................................................................................................................. 295  
F1 Objective .................................................................................................................................... 297  
F2 Partnership Category ................................................................................................................. 298  
F3 Parent Retirement Category ...................................................................................................... 312  
F4 Parent Category .......................................................................................................................... 328  
F5 Dependent Child Category ........................................................................................................ 347  
F7 Inter-country adoption ............................................................................................................... 360
Generic Residence
IN THIS SECTION

RA Applications For Residence Class Visas ................................................................. 5
R Residence Instructions ............................................................................................ 26
RA Applications For Residence Class Visas

The provisions in section RA summarise relevant sections from the Immigration Act 2009 and the Immigration Regulations 2010. These provisions do not in themselves constitute residence instructions.

Effective 29/11/2010
RA1 Currency and nature of residence class visas
RA1.1 Currency and nature of a resident visa

*See also Immigration Act 2009 s 74*

a The holder of a resident visa is entitled to:
   i travel to New Zealand in accordance with the conditions of the visa relating to travel; and
   ii apply for entry permission (whether before or after travelling to New Zealand); and

b If the holder of a resident visa is granted entry permission they are entitled, in accordance with the conditions of the visa (if any), to:
   i to stay in New Zealand indefinitely; and
   ii to work in New Zealand or in the exclusive economic zone of New Zealand; and
   iii to study in New Zealand.

**Note:** See R5.66 for instructions on the travel conditions to be granted with a resident visa and RV3 for instructions on varying travel conditions after a resident visa has been granted.

*Effective 29/11/2010*
RA1.5 Currency and nature of a permanent resident visa

See also Immigration Act 2009 s 73

The holder of a permanent resident visa is entitled to:

a. travel to New Zealand at any time; and

b. be granted entry permission; and

c. to stay in New Zealand indefinitely; and

d. to work in New Zealand or in the exclusive economic zone of New Zealand; and

e. to study in New Zealand.

Effective 29/11/2010
RA2 Who does not need to apply for a residence class visa
RA2.1 New Zealand citizens

See also Immigration Act 2009 s 13

a  Every New Zealand citizen has the right to travel to and be in New Zealand at any time and is not liable for deportation in any circumstances.

b  New Zealand citizens do not need a visa to travel to, enter or be in New Zealand but to establish their right to enter New Zealand they must show a New Zealand passport or a foreign passport containing an endorsement indicating the fact of New Zealand citizenship on arrival in the country if required to do so.

Effective 29/11/2010
RA2.5 People waived from having to obtain a residence class visa to travel to New Zealand

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Schedule 2

The following people are waived from having to obtain a residence class visa to travel to New Zealand:

a. citizens of the Commonwealth of Australia; and

b. people who hold a current permanent residence visa (including a resident return visa) issued by the Government of Australia; and

c. people who have been granted a visa waiver to travel by special direction (see RA7).

Note: People in these categories are not eligible to travel to New Zealand without a visa, or to be granted a visa to enter and stay in New Zealand if they fall under sections 15 or 16 of the Immigration Act 2009. They must have a special direction authorising them to apply for and be granted a residence class visa to travel to, enter and stay in New Zealand (see S2).

Effective 29/11/2010
RA3 Who needs a residence class visa

See also Immigration Act 2009 s 14
RA3.1 Who needs a residence class visa to travel to New Zealand

A person who is outside New Zealand who wishes to travel to New Zealand and stay indefinitely must hold (or be deemed to hold) a residence class visa unless they are:

a. a New Zealand citizen; or

b. a person who is exempt from having to obtain a residence class visa to travel to New Zealand (RA2.5); or

Effective 29/11/2010
RA3.5 Who needs a residence class visa to be in New Zealand

A person who is in New Zealand lawfully and wishes to be in New Zealand indefinitely must hold (or be deemed to hold) a residence class visa to do so unless they are a New Zealand citizen.

Effective 29/11/2010
RA4 Who is deemed to hold a residence class visa

See also Immigration Act 2009 ss 75, 415, Schedule 5

A person is deemed to hold a residence class visa if they:

a) held a returning resident’s visa issued under the Immigration Act 1987 (RA4.1 and RA4.5); or
b) held a residence permit granted under the Immigration Act 1987 (RA4.10); or
c) were considered to hold a residence permit under the Immigration Act 1987 (see RA4.10.1); or
d) were exempt under the Immigration Regulations 1999 from the need to hold a residence permit in New Zealand (RA4.10); or
e) held New Zealand citizenship and renounced or were deprived of their citizenship (RA4.10).

Effective 29/11/2010
RA4.1 Who is deemed to hold a permanent resident visa

See also Immigration Act 2009 ss 415, 75, Schedule 5

A person who holds a returning resident’s visa of indefinite duration issued under the Immigration Act 1987 is deemed to hold a permanent resident visa.

Effective 29/11/2010
RA4.5 Who is deemed to hold a resident visa with travel conditions

See also Immigration Act 2009 ss 415, 75, Schedule 5

a A person who holds a residence visa granted under the Immigration Act 1987 is deemed to hold a resident visa allowing:
   i travel to New Zealand for a single journey within the period or until the date specified in the residence visa; and
   ii stay indefinitely in New Zealand if the holder is granted entry permission.

b A person who holds a returning resident’s visa of limited duration granted under the Immigration Act 1987 is deemed to hold a resident visa allowing travel to New Zealand for an unlimited number of journeys within the period or until the date specified in the returning resident’s visa.

c If a person is deemed to be the holder of a resident visa because they hold a residence visa or returning resident’s visa granted under the Immigration Act 1987, and that residence visa or returning resident’s visa specifies requirements to be imposed under Section 18A of that Act upon grant of permit, their resident visa is subject to conditions equivalent to those requirements.

Effective 29/11/2010
**RA4.10 Who is deemed to hold a resident visa without travel conditions**

a  A person in New Zealand is deemed to hold a resident visa without travel conditions if they:
   i  held a residence permit granted under the Immigration Act 1987 and did not hold a returning resident’s visa; or
   ii were considered to hold a residence permit under the Immigration Act 1987 (see RA4.10.1); or
   iii were exempt under the Immigration Regulations 1999 from the need to hold a residence permit in New Zealand; or
   iv held New Zealand citizenship and renounced or were deprived of their citizenship.

b  A person who holds or is deemed to hold a resident visa may continue to stay in New Zealand indefinitely, however if they wish to leave New Zealand and return as a resident they must have a resident visa with valid travel conditions in their travel document (RV3).

c  If a person is deemed to be the holder of a resident visa because they held a residence permit granted under the Immigration Act 1987, and that residence permit was subject to requirements imposed under Section 18A of that Act, their resident visa is deemed to be subject to conditions equivalent to those requirements.

**RA4.10.1 People considered to have held a residence permit under the Immigration Act 1987**

*See also Immigration Act 1987 s 44, Immigration Act 2009 s 415*

Even though a person in New Zealand was not the holder of a permit granted under the Immigration Act 1987, they are deemed to hold a resident visa if they:

a  arrived in New Zealand lawfully to take up permanent residence at any time before 2 April 1974 other than under a permit granted under the Immigration Act 1964 or any corresponding earlier Act; and

b  have been in New Zealand continuously from the day they arrived, apart from any period or periods spent in:
   i  Cook Islands, Niue or Tokelau; or
   ii  Australia, if during any such period they were a Commonwealth citizen or citizen of the Republic of Ireland and were able to live in either New Zealand or Australia without restriction; and

c  were in New Zealand immediately before the commencement of the Immigration Act 1987 (ie, were in New Zealand at midnight on 31 October 1987); and

d  were not exempt under the Immigration Act 1987 from having to hold a residence permit.

**Note:** If a person who meets these requirements requests confirmation of their residence status, an immigration officer must endorse their passport with a residence class visa (see R7).

*Effective 29/11/2010*
RA5 Who may not apply for a residence class visa

See previous instructions:
RA5 Effective 01/07/2013
RA5 Effective 29/11/2010

a  Under section 71(4) of the Immigration Act 2009, no limited visa holder, interim visa holder, transit visa holder or person who is liable for deportation (including people who are unlawfully in New Zealand) may apply for a residence class visa.

b  However, the Minister of Immigration or appropriately delegated immigration officer, in his or her absolute discretion may grant a residence class visa to a person to whom (a) above applies. In such cases:
   i  the Minister or appropriate immigration officer is not obliged to consider a purported application from such a person; and
   ii  whether the purported application is considered or not, the Minister or immigration officer is not obliged to give reasons for any decision on it, other than that section 11 applies; and
   iii  section 23 of the Official Information Act 1982 and section 27 of the Immigration Act 2009 (concerning the right of access to reasons for decisions) do not apply.

c  In some cases a person may only apply for a residence class visa if they have earlier been invited to apply for residence by an immigration officer. An invitation to apply for residence is sought through the completion and lodgement of an Expression of Interest. An invitation to apply is required for all applications for residence under the Parent Category, Skilled Migrant Category, Investor 2 Category and Christchurch Response (2019) Category of residence instructions.

Effective 24/04/2019
RA5.1 Effect of being liable for deportation on residence class visa applications

See previous instruction RA5.1 effective 29/11/2010

See also Immigration Act 2009 s 169 (3)

a Under section 169 of the Immigration Act 2009, the processing of any application for a residence class visa from a person who has become liable for deportation must be suspended.

b Nothing in (a) prevents the processing of any application referred back to the Minister or the Chief Executive by the Tribunal under section 188(1)(d) or (e) of the Immigration Act 2009.

Effective 28/08/2017
**RA6 Who is not eligible for a residence class visa**

*See also Immigration Act 2009 ss 15, 16*

People described by section 15 or 16 of the Immigration Act 2009 (see A5.20) are not eligible to be granted a residence class visa unless they have been given a special direction (see RA7 and S2).

*Effective 29/11/2010*
RA6.1 Restrictions on the grant of residence class visas for New Zealand Aid Programme (NZAP) students and their dependants

See previous instructions:
RA6.1 Effective 26/11/2012
RA6.1 Effective 07/02/2011
RA6.1 Effective 29/11/2010

Note: This instruction has been moved to R5.105 effective from 17/11/2014
RA7 Special directions

See also Immigration Act 2009 ss 11, 378

a In special circumstances, the Minister (or delegate) may give any immigration officer a special direction in relation to any person, visa or document, or any 2 or more persons, visas or documents where by reason of any specific event, occurrence or unusual circumstance there is a common link between those persons, visas, or documents.

b As the decision to give a special direction is a matter of absolute discretion, no person has the right to apply for a special direction, and if they do so:

i the Minister or appropriate immigration officer is not obliged to consider a purported application for a special direction; and

ii whether a purported application is considered or not, the Minister or immigration officer is not obliged to give reasons for any decision on it, other than that section 11 applies; and

iii section 23 of the Official Information Act 1982 and section 27 of the Immigration Act 2009 (concerning the right of access to reasons for decisions) do not apply.

Effective 29/11/2010
RA8 Resident visas with conditions

See also Immigration Act 2009 ss 49, 55, 50

a An immigration officer may impose conditions under sections 49 or 55 of the Immigration Act 2009 on a resident visa as specified in residence instructions at the time the application for the visa was made.

b Regardless of whether or not any conditions are imposed under sections 49 or 55, under section 50 the Minister or appropriately delegated immigration officer may

i impose conditions in addition to those specified in the applicable residence instructions (if any);

ii vary or waive conditions that would otherwise apply to a visa of that type;

iii impose, by special direction or by agreement of the visa holder, further conditions following the grant of a resident visa;

iv vary or cancel, by special direction or by agreement of the visa holder, any conditions that would otherwise apply.

Effective 29/11/2010
RA9 Restrictions on the grant of a visa to certain groups as designated by the United Nations Security Council

See previous instructions:
RA9 Effective 06/07/2015
RA9 Effective 16/05/2014
RA9 Effective 17/07/2013
RA9 Effective 30/11/2012
RA9 Effective 30/04/2012
RA9 Effective 29/11/2010


a  In accordance with United Nations sanctions, no person who is a designated individual or specified entity may enter New Zealand or transit through New Zealand, meaning that no such person may be granted a visa. This restriction is in place for the following people:
   i  designated individuals from the Democratic People’s Republic of Korea (DPRK), and:
      o their immediate family members, and
      o an individual (whether or not a DPRK national) acting on the behalf or under the direction of a designated individual, and
      o an individual (whether or not a DPRK national) assisting in the evasion or violation of the measures set out in the UN resolutions listed in section 3 of the United Nations Sanctions (Democratic People’s Republic of Korea) Regulations 2017
   ii designated individuals and specified entities from Al-Qaeda and Taliban
   iii designated individuals from Iran
   iv designated individuals from Lebanon
   v designated individuals from the Democratic Republic of Congo
   vi designated individuals from Sudan
   vii designated individuals from Somalia
   viii designated individuals from Eritrea
   ix designated individuals from Libya
   x designated individuals from Mali
   xi designated individuals from Guinea-Bissau
   xii designated individuals from Central African Republic
   xiii designated individuals from Yemen
   xiv designated individuals from South Sudan.

b  Immigration officers must contact the Ministry of Foreign Affairs and Trade when processing any immigration application from a person to whom (a) above applies.

c  A visa may only be granted to a person to whom (a) above applies on the advice of the Secretary of Foreign Affairs and Trade.

Note: For the purposes of these instructions, a designated individual and a specified entity is someone who is named on a list of such persons held by INZ and updated from time to time.

Effective 28/06/2018
R Residence Instructions

Application of Generic Residence Instructions

The instructions contained in the Generic Residence chapter apply unless other provisions in residence instructions expressly state otherwise.

Effective 29/11/2010
R1 Objective

a  The objective of New Zealand's residence programme is to contribute to economic growth through enhancing the overall level of human capability in New Zealand, encouraging enterprise and innovation, and fostering international links, while maintaining a high level of social cohesion.

b  This objective is achieved through selecting a broad mix of migrants on the basis of either their skills and experience or their family links to New Zealand.

Effective 29/11/2010
R2 Lodging an application
R2.1 Who may be included in an application

See previous instructions:
R2.1 Effective 28/08/2017
R2.1 Effective 22/05/2017
R2.1 Effective 18/04/2014
R2.1 Effective 24/03/2014
R2.1 Effective 19/08/2013
R2.1 Effective 30/07/2012
R2.1 Effective 29/11/2010

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Reg 20

a Each principal applicant (see R2.1.1 below) must make a separate application.

b The following people may be included in a residence class visa application, regardless of whether they are living in the same country as the principal applicant:
   i The partner of a principal applicant (see R2.1.10 below); and
   ii The biological or adopted (see R3) dependent children of the principal applicant and/or partner (if the partner is included in the application) (see R2.1.30 below).

R2.1.1 Definition of ‘principal applicant’

a The principal applicant is the person who is declared to be the principal applicant on the residence class visa application form.

b When the application is assessed, the principal applicant will be the person first assessed against the criteria in residence instructions, unless the instructions indicate otherwise.

R2.1.5 Definition of ‘applicant’

An applicant is a person included in an application for a residence class visa and includes the principal applicant and secondary applicants (if any). All persons included in an application will be individually assessed against the criteria for the grant of residence in the residence instructions that apply to them.

R2.1.10 Definition of ‘partner’

a For the purpose of inclusion in a residence class visa application, ‘partner’ means a person who:
   i is legally married to the principal applicant; or
   ii is in a civil union partnership with the principal applicant; or
   iii is in a de facto relationship with the principal applicant.

b References to ‘partner’ in residence instructions mean ‘partner’ as defined in (a) above.

c A partner who does not meet the criteria in (a) above may not be included in a principal applicant’s application and must apply for residence as a principal applicant in their own right.

R2.1.15 When may partners included in an application be granted a residence class visa?

a For a ‘partner’ included in an application to be granted a residence class visa an immigration officer must be satisfied that they meet ‘partnership’ instructions which are:
   i that the principal applicant and partner are living together in a genuine and stable partnership (see F2.10.1); and
   ii that the couple have been living together in such a relationship for 12 months or more at the time the application is assessed; and
   iii that the partnership meets the minimum requirements for the recognition of partnerships set out at F2.15 in that:
o the couple were both aged 18 years or older at the time the application for residence class visa was made, or if aged 16 or 17 years old have the support of their parent(s) or guardian(s); and
o the couple have met prior to the application being made; and
o they are not close relatives (see F2.15(d)).

b When assessing if the duration of the partnership requirement in a. ii above is met immigration officers may include any period immediately prior to any marriage where they are satisfied the couple was living together in an interdependent partnership akin to a marriage.

R2.1.15.1 What happens if an immigration officer is not satisfied that a couple are living together in a partnership that is genuine and stable?

If an immigration officer is not satisfied the principal applicant and partner included in the application are living together in a partnership that is genuine and stable, then:

a the partner will not be granted a residence class visa; and

b if the principal applicant is reliant on:
   i the attributes of their partner included in the application; or
   ii the family relationship of their partner included in the application

those attributes or relationships will not be taken into account when determining eligibility of the principal applicant under residence instructions.

Examples:
~ Under the Skilled Migrant Category (see SM9.5(d)) a principal applicant's partner's skilled employment in New Zealand will not qualify for points.
~ Under the Sibling and Adult Child Category instructions (see F6.1(c)) where a principal applicant and partner included in the application have combined income as evidence of meeting the required minimum income requirement only the principal applicant's income may be taken into account when determining the total family income per year.

R2.1.15.5 What happens if the partnership is considered to be genuine and stable but is less than the 12 months required?

a If an immigration officer is satisfied the principal applicant and partner included in the application are living together in a partnership that is genuine and stable, but the duration of that partnership is less than the 12 months required, then:
   i in any case where the grant of a residence class visa to a principal applicant is reliant on the relationship with or attributes of their partner the application must be declined under residence instructions; or
   ii in any case where the grant of a residence class visa to a principal applicant is not reliant on the relationship with or attributes of their partner the immigration officer may proceed with processing the principal applicant for the residence class visa but defer the final decision on the partner to enable the qualifying period to be met.

b If a partner’s application for a residence class visa has been deferred as described in (a)(ii) above they may be granted a work visa (once an application has been made) for a period sufficient to enable the qualifying period to be met and any further assessment of their residence class visa application to be completed (see WF2.20).

R2.1.20 Evidence of relationship with partner

Principal applicants must provide:

a evidence of their relationship with their partner included in the application; and

b evidence that their partnership is genuine and stable. (F2.20.15 sets out the types of evidence that are required).
Note: In each case where a person relies on being the partner of a principal applicant for the purposes of inclusion in an application (and subsequent grant of a residence class visa), the onus of proving that the person included is the partner of the principal applicant, that their partnership is genuine and stable, and of the required duration lies with the principal applicant and their partner (see F2.5(c)).

R2.1.25 Polygamous marriages and relationships

As an exception to the exclusivity requirement which forms part of the definition of a genuine and stable partnership (see F2.10) principal applicants in polygamous marriages or relationships (i.e. marriages or relationships with more than one partner) may have only one partner included in their application for a residence class visa.

R2.1.27 When may dependent children be included in an application and be granted a residence class visa?

For a 'dependent child' to be included in an application to be granted a residence class visa, an immigration officer must be satisfied that they are a dependent child.

R2.1.30 Definition of 'dependent child'

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Regs, 4, 20

For the purpose of inclusion in an application, and despite the definition in section 4 of the Immigration Act 2009, a child is dependent if they:

a are:
   i aged 21 to 24, with no child(ren) of their own; and
   ii single (see F5.5); and
   iii totally or substantially reliant on the principal applicant and/or the principal applicant's partner for financial support, whether living with them or not; or

b are:
   i aged 18 to 20, with no child(ren) of their own; and
   ii single (see F5.5); or

c are:
   i aged 17 or younger; and
   ii single (see F5.5); or

d are applying for a South Island Contribution resident visa and were previously determined to be dependent under WR7.20.1.

e When determining whether a child of 21 to 24 years of age is totally or substantially reliant on the principal applicant and/or the principal applicant's partner for financial support immigration officers must consider the whole application, taking into account all relevant factors including:
   • whether the child is in paid employment, whether this is full time or part time, and its duration;
   • whether the child has any other independent means of financial support;
   • whether the child is living with its parents or another family member, and the extent to which other support is provided;
   • whether the child is studying, and whether this is full time or part time.

R2.1.35 Evidence of dependence

a Children up to 17 years of age are presumed to be dependent if they are single.

b Children aged 18 to 20 years of age are presumed to be dependent if they are single and have no child(ren) of their own.

c For children aged 21 to 24 years of age, evidence of actual dependence may be required.
R2.1.40 Evidence of relationship with dependent children

The principal applicant must provide one of the following documents as evidence of the relationship of the principal applicant and/or partner included in the application with any dependent child included in the application:

a. the birth certificate showing the names of the parent(s); or

b. adoption papers showing that the child has been legally adopted by the principal applicant or partner; or

c. in the case of a child adopted by custom, a declaration by the adoptive parent(s) separate from, and in addition to, any similar declaration made on an application form (see R3.5.1).

R2.1.45 Children under 16 whose parents are separated or divorced

a. If the parents of a child aged under 16 included in an application for a residence class visa are separated or divorced, the applicant parent must have the right to remove the child from the country in which rights of custody or visitation have been granted; or if no such rights have been granted, from the country of residence.

b. Such children cannot be included in an application unless the applicant parent produces satisfactory evidence of their right to remove the child from the country in which the rights of custody or visitation have been granted or if no such rights have been granted, from the country of residence.

c. Except where (d) applies, evidence of the right to remove the child from the country in which rights of custody or visitation have been granted must include:
   i. legal documents showing that the applicant has custody of the child and the sole right to determine the place of residence of the child, without rights of visitation by the other parent; or
   ii. a court order permitting the applicant to remove the child from its country of residence; or
   iii. legal documents showing that the applicant has custody of the child and a signed statement from the other parent, witnessed in accordance with local practice or law, agreeing to allow the child to live in New Zealand if the application is approved.

d. Where an immigration officer is satisfied that:
   i. by virtue of local law, the applicant parent has the statutory right to custody of the child; and
   ii. it is not possible or required under that local law to obtain individualised legal documents to verify that custodial right, the child may be included in the application.

R2.1.50 Children under 16 with only one parent included in the application for a residence class visa.

a. If one of the parents of a child aged under 16 is not included in the application for a residence class visa, the applicant parent must have the right to remove the child from its country of residence.

b. Such children cannot be included in an application unless the applicant parent produces satisfactory evidence of their right to remove the child from its country of residence.

c. Except where (e) applies, evidence of the right to remove the child from its country of residence in cases where one parent is not included in the application for a residence class visa, but the parents are not separated or divorced, must include:
   i. a written statement confirmed by both parents at interview; or
   ii. a court order permitting the applicant to remove the child from its country of residence.

d. If, because of the death of one of the parents of a child aged under 16, only one parent is included in the application, the death certificate of the other parent must be provided.

e. The child may be included in the application where an immigration officer is satisfied that:
   i. by virtue of local law, the applicant parent has the statutory right to custody of the child; and
   ii. it is not possible or required under that local law to obtain individualised legal documents to verify
that custodial right.

**R2.1.55 Situation of dependent of partners included in an application**

a  Any dependent child who is reliant on inclusion in an application solely by virtue of being the dependent child of the principal applicant’s partner included in an application (i.e. they are not a child of the principal applicant) may not be granted a residence class visa unless their parent partner is granted a residence class visa.

b  If their parent partner is granted a work visa as provided for in R2.1.15.5 (b) above then they may also be granted a temporary visa of a type appropriate to their needs (once an application has been made) for the same period.

**Example:** a dependent child intending to attend school in New Zealand must apply for a student visa.

*Effective 07/05/2018*
R2.5 Who may not be included in an application

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Reg 20

The following people may not be included in an application:

a  any child aged 25 and over (whether dependent or not), and

b  any child aged 24 and under who is not a dependent child.

Effective 29/11/2010
R2.10 Where to lodge an application

See previous instructions R2.10 Effective 29/11/2010

a Applications should be lodged at the INZ office, Visa Application Centre or MFAT post responsible for receiving applications from the geographical area or country in which the principal applicant currently lives. Receiving Offices can be found on the INZ website.

b If an application is lodged at an office other than the appropriate one, the application may be referred to the appropriate office.

Effective 02/12/2013
R2.15 Processing of applications

a Applications for residence class visas are processed by INZ branch offices and certain MFAT offices.

b INZ determines at which office an application is processed. This means that an application may be processed at an office other than the office where it is lodged.

Effective 29/11/2010
R2.20 Date an application is lodged

See previous instructions R2.20 Effective 29/11/2010

An application is lodged on the date that INZ, or an office authorised to receive visa applications on INZ’s behalf, receives it. Visa Application Centres are authorised for this purpose.

Note: If an application is processed using AMS, the date the application is lodged is referred to in AMS as the date ‘tendered’.

Effective 02/12/2013
R2.25 Date an application is made

See previous instructions R2.25 Effective 29/11/2010

See also Immigration Act 2009 s 57

a An application is made on the date that it is lodged only if, on that date, it is lodged in the prescribed manner.

b Immigration officers at an INZ office determine whether applications are lodged in the prescribed manner by assessing whether all mandatory requirements (see R2.40) for lodgement have been met.

c If an immigration officer determines that an application is not lodged in the prescribed manner and requests further documents (see R2.50), the application is made on the date that INZ receives the last of any outstanding documents necessary to meet the prescribed manner for lodgement.

Note: If an application is processed using AMS, the date the application is made is referred to in AMS as the date ‘accepted’.

Effective 02/12/2013
R2.30 Receipt of applications

See previous instructions R2.30 Effective 29/11/2010

All applications and any evidence or information submitted in support of an application (whether at the same time or later) must be stamped with the date of the day on which they are lodged with INZ, or with an office authorised to receive visa applications on INZ’s behalf. Visa Application Centres are authorised for this purpose.

Effective 02/12/2013
R2.35 How an application must be lodged

a  Applications must be lodged in the prescribed manner.

b  The prescribed manner is the manner laid down for residence class visa applications in the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, which set out the mandatory requirements for lodging an application.

Effective 29/11/2010
R2.40 Mandatory requirements for lodging an application for a residence class visa

See previous instructions:
R2.40 Effective 08/05/2017
R2.40 Effective 17/11/2014
R2.40 Effective 18/04/2014
R2.40 Effective 30/07/2012
R2.40 Effective 04/04/2011
R2.40 Effective 29/11/2010

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Reg 5, 20 and 23A.

Unless RV1.10.10 or R2.40.1 applies, an application for a residence class visa made outside an immigration control area must:

a be made on an approved form; and
b be completed in English; and
c be signed by the applicant (unless the applicant is less than 18 years old, in which case it must be signed by a parent or guardian of the applicant); and
d include all dependants of the principal applicant where they hold or have applied for a temporary entry class visa based on their relationship to the principal applicant; and
e be given to an immigration officer together with the following material:
   i the applicant’s passport (or a certified copy) or certificate of identity (or a certified copy), or if this is unavailable, his or her original full birth certificate (or a certified copy) or other identity document (or a certified copy); and
   ii two passport-sized photographs of the applicant’s head and shoulders; and
   iii an original or certified copy of the applicant’s full birth certificate or, if this is unobtainable, an original or certified copy of an identity card; and
   iv the appropriate fee and immigration levy (if any); and
   v any information and evidence required by the relevant immigration instructions that shows that the principal applicant fits the category or categories of residence instructions under which the application is being made; and
   vi a completed Medical Certificate for the applicant that is less than three months old, unless A4.20(d) applies; and
   vii a completed Chest X-ray Certificate for the applicant that is less than three months old (except for pregnant women and children under the age of 11), unless A4.20(d) applies;
   viii a police or similar certificate, less than 6 months old, indicating the applicant’s record of convictions or lack of convictions for their country of citizenship and for each country in which they have lived for 12 months or more during the past 10 years (except for applicants under 17 and except where the authorities of any such country will not generally provide certificates), unless A5.10(d)(iv) applies; and
   ix any other information, evidence and submissions that the principal applicant considers show fully that they are eligible to be granted a residence class visa in terms of the applicable residence instructions.
Note: Medical and Chest X-ray Certificates may be submitted directly to Immigration New Zealand by the physician who completed the examination.

R2.40.1 Mandatory requirements for lodging an online application for a residence class visa
See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Reg 23A.

a An application for a residence class visa may be made online if electronic forms have been provided for that purpose by Immigration New Zealand [the Ministry of Business, Innovation and Employment].

b The application must be made using the electronic form provided.

c The electronic form requires the applicant to:
   i complete the form in English; and
   ii state his or her full name; and
   iii state his or her date and place of birth; and
   iv state the details of his or her passport or certificate of identity; and
   v upload a photograph of the applicant’s head and shoulders that complies with the standards specified for the purpose by the Immigration New Zealand [Ministry of Business, Innovation and Employment]; and
   vi produce the information and evidence required by immigration instructions to demonstrate he or she fits the residence class visa category under which he or she is applying; and
   vii acknowledge that the details supplied in support of the application are true and correct to the best of the applicant’s knowledge; and
   viii agree that, if his or her circumstances change before any visa is granted, or before the application is determined, the applicant will notify an immigration officer of the change; and
   ix pay the prescribed fee or arrange for its payment in a manner acceptable to the immigration officer processing the application; and
   x pay the immigration levy that is payable by the applicant (if any), or arrange for its payment in a manner acceptable to the immigration officer processing the application.

R2.40.2 Mandatory requirements for lodging an application for a resident visa at an immigration control area
See also Immigration Act 2009 ss 4, 28
See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Regs 7, 8

a An application for a resident visa can be made at an immigration control area by:
   i an Australian citizen;
   ii a holder of Australian permanent residence visas (including a resident return visa)
   iii a person who previously held a resident visa.

b An application for a resident visa made by a person described in (a) at an immigration control area must:
   i be made on the approved form; and
   ii relate to only one person; and
   iii be completed in English; and
   iv be signed by the applicant, unless the applicant is less than 18 years old, in which case it must be signed by a parent or guardian (if the applicant is accompanied by a parent or guardian), or it is not required to be signed (if the applicant is not accompanied by a parent or guardian); and
   v be given to an immigration officer together with the applicant’s passport or certificate of identity.

c A person who meets (a)(i) or (ii) above and is eligible to use the automated electronic system, may meet the requirements at (b)(v) above by giving their passport to the automated electronic system.
R2.40.5 Definition of 'current'

'Current' means, in relation to any document provided in support of an application or Expression of Interest, to meet:

a mandatory requirements for lodgement of an application; or

b other evidential requirements of residence instructions,

that, at any relevant stage during the life of an application or an Expression of Interest (e.g. at the time an application or Expression of Interest is lodged, during assessment of the application or Expression of Interest and at the date of final decision on an application), that document is not expired.

R2.40.10 Authority to waive mandatory requirements

Immigration officers may only waive those mandatory requirements for which they have delegated authority to make a special direction.

R2.40.15 Requests for applications to be lodged otherwise than on an approved form

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Regs 21, 22

a The Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 allow for applications to be made otherwise than on the approved form. The purpose of these provisions is to allow for applications for visas to be processed rapidly, where the decision to grant or refuse a visa is straightforward and in an immigration officer’s view any verification requirements are minor in nature.

b Because of the complex nature of residence class visa applications and the high level of verification required, requests to lodge residence class visa applications otherwise than on the approved form will normally be refused.

R2.40.20 Evidence of identity

a Mandatory requirements (see R2.40 above) relating to proof of identity require applications to include full birth certificates for every applicant, which usually state:

i the applicant’s name; and

ii their date of birth; and

iii their place of birth; and

iv the names and occupations of their parents.

b If a full birth certificate is unobtainable, the applicant may submit an identity card.

c A full birth certificate is considered to be obtainable even if there is a possible delay or expense in obtaining it.

Effective 07/05/2018
R2.44 Additional requirements for an immigration adviser acting on behalf of an applicant

See also Immigration Advisers Licensing Act 2007 s 9

No immigration application or request put forward on behalf of another person from an unlicensed immigration adviser may be accepted, unless the immigration adviser is exempt from the requirement to be licensed under the Immigration Advisers Licensing Act 2007.

R2.44.1 Persons exempt from licensing

See also Immigration Advisers Licensing Act 2007 s 11

The following persons are exempt from the requirement to be licensed under the Immigration Advisers Licensing Act 2007:

a  a person who provides immigration advice in an informal or family context only, where the advice is not provided systematically or for a fee;

b  a Member of Parliament, or their staff, who provides immigration advice as part of their employment agreement;

c  a foreign diplomat or consular staff accorded protection as such under the Diplomatic Privileges and Immunities Act 1968 or the Consular Privileges and Immunities Act 1971;

d  an employee of the New Zealand public service who provides immigration advice within the scope of their employment agreement;

e  a lawyer who holds a current practising certificate as a barrister or as a barrister and solicitor of the High Court of New Zealand;

f  a person employed by or working as a volunteer for a New Zealand community law centre where at least one lawyer is on the employing body of the community law centre or is employed by or working as a volunteer for the community law centre in a supervisory capacity;

g  a person employed by or working as a volunteer for a New Zealand citizens advice bureau; and

h  a person who provides immigration advice offshore in relation to applications or potential applications for temporary entry class visas with conditions authorising study in New Zealand only.

Effective 29/11/2010
**R2.45 Additional requirements**

See previous instructions:
R2.40 Effective 08/05/2017

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, regs 5, 7, 8 and 23A.

Before determining the application, an immigration officer processing an application may require the applicant:

a. to appear before an immigration officer for an interview; and/or

b. to produce any other photographs, documents, evidence, and information the officer thinks necessary to help in determining the application; and/or

c. to undergo a further medical examination (unless the applicant previously held a resident visa and is applying for a resident visa at an immigration control area).

*Effective 07/05/2018*
R2.46 DNA testing for verifying claimed relationships

a. DNA testing provides the most reliable evidence of whether or not a claimed biological relationship exists. In certain cases, DNA test evidence will be the only evidence available to satisfy an immigration officer of a claimed relationship because documentary and other evidence of the relationship does not exist or is unreliable.

b. In situations where documentation does not exist or is unreliable, an immigration officer may raise the possibility of undertaking DNA testing with the applicant.

c. DNA testing is voluntary for applicants and sponsors. If an applicant or sponsor, having been advised of the possibility of DNA testing, decides not to undertake such testing, no adverse inference may be drawn from this decision, and such a decision of itself will not be a reason to decline an application.

d. DNA test results must be considered in the context of all other information and evidence relevant to the claimed relationship.

e. An immigration officer may accept results of a DNA test as part of an application at any time.

f. Only DNA tests carried out by an INZ-approved laboratory in accordance with standard procedures will be accepted as evidence of claimed relationships under these instructions.

g. Usually an applicant/sponsor will be expected to pay the costs of the DNA testing used to support the claims in their residence class visa application. On a case by case basis, INZ may consider paying for the DNA test costs.

h. Where the applicant/sponsor has accepted an INZ invitation to undertake DNA testing to prove a relationship between an applicant and a sponsor who has obtained residence in New Zealand under the Refugee Quota, the costs of that test will be met by INZ.

i. All DNA testing carried out under these instructions is done so in accordance with the Information Privacy Principles of the Privacy Act 1993.

Effective 29/11/2010
R2.50 Applications not lodged in the prescribed manner

a  An application must be returned if it is submitted by an unlicensed immigration adviser (see R2.44) unless they are exempt from licensing.

b  Except where the provisions of paragraph (a) above apply, INZ may, at its discretion, hold applications that are not lodged in the prescribed manner (see R2.35 and R2.40) for a specified period of time until any outstanding requirements have been met; but INZ does not consider such applications to have been made.

c  INZ is under no obligation to hold an application that is not lodged in the prescribed manner.

d  When an application is lodged in an incomplete but minor and easily corrected manner, immigration officers will:

  i  hold the papers; and

  ii  notify the principal applicant or agent that the application has not been lodged in the prescribed manner but is being held for a limited time to enable the principal applicant or agent to meet the outstanding mandatory requirements; and

  iii  notify the principal applicant or agent of the documents required for the application to meet the mandatory requirements (see R2.40) for lodging an application.

e  Where (b) or (d) apply, principal applicants will be given a specified time to complete the outstanding requirements, and if they do not do so, the application may be returned to the principal applicant or agent.

f  When an application is not lodged in the prescribed manner and the provisions of paragraphs (b) or (d) above do not apply, the application must be returned to the principal applicant or agent.

Effective 29/11/2010
R2.55 How to submit documents

See previous instructions:
R2.55 Effective 04/04/2011
R2.55 Effective 29/11/2010

a Unless the application has been made online (R2.40.1), all documents submitted in support of an application for a residence class visa must be originals, or certified copies.

b 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.

c Uncertified electronic copies of documents may be provided in support of an application that has been made online.

d For all applications, including an online application, an immigration officer may request the original document where it has not been supplied with an application.

R2.55.1 Translations

a Any documents not in English must be accompanied by an English translation containing the information normally found in an equivalent New Zealand document, or sufficient information to show that the applicant has met the criteria set out in instructions.

b INZ may, at its discretion, require applicants to provide full English translations of documents.

c Translations must:

i not be prepared by an applicant, any member of their family or an immigration adviser assisting with the application; and

ii be accompanied by the original documents or certified copies; 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:

i request a translation of the complete document where the translation is of a selected part(s) of the document; and

ii request a translation 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.

Effective 07/05/2018
R2.60 Payment of the fee and immigration levy

See previous instructions:
R2.60 Effective 26/11/2018
R2.50 Effective 21/04/2018
R2.60 Effective 07/12/2015
R2.60 Effective 02/12/2013
R2.60 Effective 29/11/2010

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010

a Principal applicants must pay the fee specified for that type of application at the time the application is lodged, unless:
   i the fee is waived by special direction by an appropriately delegated officer (see A15.5); or
   ii the principal applicant is a citizen of a country with which New Zealand has a fee waiver agreement covering visas (see A6.5); or
   iii the applicant is exempt from paying the application fee.

b Principal applicants must pay the immigration levy specified for that type of visa application at the time the application is lodged, unless:
   i the immigration levy is waived by special direction by an appropriately delegated officer (see A15.5); or
   ii the principal applicant is exempt from paying the immigration levy (see A6.11).

c A receiving office is an INZ office or authorised New Zealand Visa Application Centre (VAC) or MFAT post designated for receiving applications from particular countries. Receiving Offices can be found on the INZ website.

d The fee payable for an application is determined by the principal applicant’s country of citizenship.

e If a principal applicant is resident in a country other than their country of citizenship, they may lodge their application at the office designated for receiving applications from the country in which they are residing, but the fee payable will be determined by their country of citizenship.

f If the principal applicant is in New Zealand and lodges an application in New Zealand, the fee payable for the application is the fee payable for applications lodged in New Zealand, regardless of the principal applicant’s citizenship.

g Fees and the immigration levy may be paid for by bank cheque, as well as by money order (from registered banks), credit card or EFTPOS, if these forms of payment are acceptable to the INZ office or VAC or MFAT office at which an application is lodged.

h Cash is not an acceptable form of payment, unless accepted by special direction by an appropriately delegated officer (see A15.5).

i Bank cheques for applications lodged at INZ offices in New Zealand should be made out to ‘Immigration New Zealand’.

Effective 01/07/2019
R2.65 Lodging an Expression of Interest

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 9

a In some cases a person may only apply for a residence class visa if they have earlier been invited to apply for residence by an immigration officer. An invitation to apply for residence is sought through the completion and lodgement of an Expression of Interest.

b The prescribed manner for completing and submitting an Expression of Interest is that the person expressing interest submits to an immigration officer:
   i the completed Expression of Interest form; and
   ii the appropriate fee (if any).

   Note: The completed form can be submitted electronically or in paper form.

c Expressions of Interest submitted electronically can only be submitted via the INZ website.

   Effective 29/11/2010
R3 Generic Adoptions
R3.1 Definition of ‘adoption’

‘Adoption’ means:

a  a legal adoption; or

b  an adoption by custom which has occurred at an early age within an extended family.

Effective 29/11/2010
R3.5 Implications of adoptive relationships

a People who have been legally adopted, or who have been adopted by custom are regarded as members of the family into which they have been adopted, if an immigration officer is satisfied that a legal or customary adoption has taken place.

b If an immigration officer is satisfied that a legal or customary adoption has taken place, the person who has been adopted will not be regarded as a member of their biological family under residence instructions for the purposes of:
  i inclusion in an application for a residence class visa made by their biological family; and
  ii sponsorship of members of their biological family for a residence class visa in New Zealand; and
  iii sponsorship by members of their biological family for a residence class visa in New Zealand; and
  iv determining eligibility for a residence class visa under one of the Family Categories.

R3.5.1 Evidence of adoption

a Evidence of a legal adoption is original or certified copies of adoption papers.

b Evidence of a customary adoption is a written declaration by the adoptive parents stating:
  i that the person has been adopted by them; and
  ii the date of the adoption; and
  iii the country in which the adoption took place.

c INZ may seek confirmation of a customary adoption from the person’s biological parent(s), or adoptive parent(s) as applicable.

d Immigration officers should consult applications lodged by any other family members to confirm whether a customary adoption has been declared. Immigration officers should take such declarations into account when determining whether an adoption by custom has taken place. However, if there are discrepancies between declarations on application forms, immigration officers should not automatically assume that the adoption has not taken place but should refer to R5.15 (‘Explaining discrepancies in family details’).

e Under the Dependent Child Category (see F5), if a person has been legally adopted by a person who is a New Zealand citizen or residence class visa holder evidence that an overseas adoption has the same effect as a New Zealand adoption under section 17 of the Adoption Act 1955 must also be provided (see F5.10.25).

Effective 29/11/2010
R4 Sponsorship for residence class visas
R4.1 Objective
A New Zealand sponsor is a requirement in some residence categories in order to:

a  improve settlement outcomes for the applicant; and

b  ensure that the applicant has a means of support in New Zealand; and

c  protect the Crown from the potential cost of the applicant seeking government assistance.

Effective 29/11/2010
R4.5 Acceptable sponsors

See previous instructions:
R4.5 Effective 29/07/2013
R4.5 Effective 29/11/2010

See also Immigration Act 2009, s 48

a In order to sponsor an applicant for a residence class visa, a sponsor must be
   i deemed acceptable by the Minister of Immigration or an immigration officer; and
   ii meet the relevant eligibility criteria for acceptable sponsors set out in this chapter; and
   iii meet any further criteria imposed by the specific residence category the applicant is applying under.

b It is a matter for the absolute discretion of the Minister of Immigration or an immigration officer whether a person is acceptable as a sponsor.

c A sponsor may be a natural person, an organisation or a government agency. A specific residence category may specify restrictions regarding the types of entity that may sponsor under that category.

d If the sponsor is a natural person then they:
   i must be a New Zealand citizen or the holder of a current residence class visa that is not subject to conditions under section 49(1)(a) or section 50 of the Immigration Act 2009; and
   ii must have been a New Zealand citizen and/or the holder of a New Zealand residence class visa (or a residence permit or returning resident’s visa under the Immigration Act 1987) for at least three years immediately preceding the date the application they wish to sponsor is made; and
   iii must be ordinarily resident in New Zealand and for each of the three 12 month portions within the three years immediately preceding the date the application they wish to sponsor is made, have spent a total of 184 days or more in New Zealand; and
   iv must not sponsor for the purpose of receiving a financial reward or fee; and
   v must not have been convicted at any time of an offence under immigration law; and
   vi must not have an outstanding debt to the Crown or other third parties as a result of another sponsorship arrangement; and
   vii must not sponsor a person if they have previously breached sponsorship obligations; and
   viii must not have entered insolvency procedures or be adjudicated bankrupt; and
   ix must not be liable for deportation; and
   x must not be a person whose liability for deportation is currently suspended; and
   xi must not be serving a custodial sentence or be awaiting sentencing after being convicted of a crime which carries a custodial sentence; and
   xii must not have arrived in New Zealand as a member of a mass arrival group, with the exception of a person who was an unaccompanied minor when they arrived (see C8.5.5) or a person acting as a sponsor under RW3.

e If the sponsor is an organisation it:
   i must be registered in New Zealand as a company, incorporated society or charitable trust; and
   ii must identify a clear link between the organisation’s activities and the purpose for which the applicant is coming to New Zealand; and
   iii must not sponsor for the purpose of receiving a financial reward or fee; and
   iv must not have been convicted of an offence under immigration law, and must not have any listed directors, trustees, or management, who have been convicted of an offence under immigration law; and
   v must not have an outstanding debt to the Crown or other third parties as a result of another
sponsorship arrangement; and

vi. must not sponsor a person if they have previously breached sponsorship obligations; and

vii. must not be in receivership or liquidation.

**Note:** Sponsoring an employee for the purpose of employment that is expected to result in a profit being made for the sponsor is not considered to be ‘financial reward’.

f. If the sponsor is an a government agency, it must be a government department under the State Sector Act 1988, or a Crown entity as defined in section 7(1) of the Crown Entities Act 2004.

**Note:** for the purpose of sponsorship requirements, a Crown entity as defined in section 7(1) of the Crown Entities Act 2004 includes Crown agents, autonomous Crown entities and independent Crown entities, Crown entity companies, Crown entity subsidiaries, school boards of trustees, and tertiary institutions.

g. If a sponsor is not a natural person they must nominate an individual as the authorised contact for the purposes of sponsorship.

h. If a sponsor does not meet the criteria to be an acceptable sponsor, the reasons for this decision must be put to the applicant to allow the sponsor to respond.

*Effective 29/05/2017*
R4.10 Sponsorship undertakings

See also Immigration Act 2009, s 48

a Sponsorship creates a responsibility for the sponsor to ensure the sponsored person has accommodation, maintenance while in New Zealand, and outward travel.

b The undertakings for which a sponsor is responsible, and in relation to which a debt is recoverable from the sponsor, are:

i accommodation, meaning suitable accommodation for the sponsored person in New Zealand, where the sponsored person does not have the means for their own accommodation; and

ii maintenance, meaning the reasonable costs of essential provisions needed for the sponsored person’s health and welfare in New Zealand, where they do not have the means for these. This may include but is not limited to food, clothing and medical treatment where required; and

iii repatriation, meaning any costs associated with the sponsored person leaving New Zealand at the end of the sponsorship period if the person:
   o does not have the means for their own repatriation (or refuses to pay for it); or
   o is liable for deportation.

iv deportation, meaning any costs that are incurred during the sponsorship period in relation to the sponsored person’s deportation, which could include the costs of locating, detaining and maintaining the person, and their travel costs in being deported.

c A visa holder themselves may have the means to fund their own maintenance, accommodation, and outward travel. However, if they do not, or refuse to, the sponsor is required to either provide these themselves directly or pay for the cost of providing them.

Effective 29/11/2010
R4.15 Breach of sponsorship undertakings

See also Immigration Act 2009 ss 55, 159

a Where sponsorship is required by the immigration instructions for a resident visa application, it is an ongoing condition of the visa granted to the sponsored person.

b If costs are incurred by the Crown or a third party because any part of the maintenance, accommodation or outward travel needs of a sponsored person were not met, the sponsor is considered to have breached their sponsorship undertaking.

c If costs are incurred by the Crown or a third party as a result of a sponsor breaching their sponsorship undertakings,

i the visa holder is deemed to have breached the conditions of their visa and will therefore become liable for deportation; and

ii these costs are considered to be a debt owed by the sponsor, and the sponsor is liable to be pursued by the Crown or the third party to recover this debt.

d A sponsor’s liability for any debt incurred to the crown or a third party as a result of a breach of their sponsorship undertakings remains:

i after the end of the sponsorship period, until the debt is recovered; and

ii regardless of the subsequent status of the sponsored person in New Zealand or the departure of the sponsored person from New Zealand.

Effective 29/11/2010
R4.20 Duration of sponsorship period

a The responsibility of the sponsor to meet their undertakings remains in place from the date the sponsored person arrives in New Zealand, or if they are already onshore, from the date the visa with sponsorship conditions is granted, until the earliest of:

i the date the person sponsored is granted a new visa with a new sponsor or no sponsorship requirement; or

ii the date at the end of the duration stipulated in the category under which the person received their visa; or

iii the date the sponsored person is deported from New Zealand.

Effective 29/11/2010
R4.25 Evidence of sponsorship

See previous instructions: R4.25 Effective 29/11/2010

a Sponsors must provide the completed sponsorship form required by the category of residence instructions the application is being made under.

b Sponsors must provide evidence that they are an acceptable sponsor and have the financial means to meet all sponsorship undertakings.

c An Immigration Officer may request additional evidence that a sponsor is an acceptable sponsor and is able to meet their sponsorship undertakings.

d If a sponsor is an organisation, they must provide evidence that they are registered in New Zealand as a company, incorporated society or charitable trust.

R4.25.1 Evidence for sponsors who are natural persons

a Evidence that sponsors are New Zealand citizens may include, but is not limited to:
   - a New Zealand passport; or
   - a New Zealand birth certificate issued prior to 1 January 2006; or
   - a New Zealand birth certificate issued on or after 1 January 2006 that positively indicates New Zealand citizenship; or
   - a certificate of New Zealand citizenship; or
   - a confirmation of New Zealand citizenship by descent certificate issued under the Citizenship Act 1977; or
   - an evidentiary certificate issued under the Citizenship Act 1977 confirming New Zealand citizenship; or
   - an endorsement in a foreign passport indicating the fact of New Zealand citizenship.

b Evidence that sponsors are residence class visa holders may include but is not limited to:
   - a current New Zealand residence class visa in their passport or a certificate of identity; or
   - evidence the sponsor is deemed to hold a residence class visa.

c Evidence of a sponsors time spent in New Zealand as a New Zealand citizen or residence class visa holder may include:
   - INZ records of sponsors' entry to and exit from New Zealand; or
   - the sponsor’s current or previous passports; or
   - any other evidence of time spent in New Zealand provided by a sponsor or sought by INZ.

Note: Periods during which a residence class visa holder has been in New Zealand are calculated inclusive of both arrival and departure dates.

Effective 07/05/2018
R5 Determining an Application
R5.1 Applications determined by INZ officers

*See also Immigration Act 2009 s 72*

a Immigration officers must determine applications for residence class visas in accordance with:
   i the requirements of the Immigration Act 2009; and
   ii residence instructions applying at the time the application is made.

b Any discretion officers exercise must be in terms of the applicable residence instructions.

*Effective 29/11/2010*
R5.5 Evidential requirements

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 5

a  Immigration officers must be satisfied that the information an applicant submits complies with the evidential requirements set out in residence instructions.

b  Even if an applicant meets the specific evidential requirements, an immigration officer may still decide that additional evidence is necessary.

c  Immigration officers should use their discretion to decide what is sufficient evidence for rules and criteria that have no specific evidential requirements.

Effective 29/11/2010
R5.7 Australian and New Zealand Standard Classification of Occupations (ANZSCO)

As a transitional measure, where immigration instructions refer to the Australian and New Zealand Standard Classification of Occupations (ANZSCO), immigration officers must make an assessment based on version 1.2 of the ANZSCO.

Effective 30/10/2019
R5.6 Age of applicant

An applicant’s age at the time an application is made is the age at which the applicant will be assessed under residence instructions unless otherwise specified in a particular provision within residence instructions.

Effective 29/11/2010
R5.10 Verification

See previous instructions R5.10 Effective 29/11/2010

a It is the responsibility of an applicant for a visa to ensure that the information, evidence, and submissions provided demonstrates the applicant meets applicable immigration instructions to the satisfaction of an immigration officer (see R5.30).

b Immigration officers have a general obligation to take such steps as are necessary or appropriate to verify any documentation or information relevant to any decision under immigration instructions, whether or not a particular provision enables or obliges them to do so.

c When assessing an application, immigration officers must be satisfied that any documentation or information provided with that application is genuine.

d If an immigration officer cannot establish documentation or information submitted in applying for a visa is genuine, that application may be declined if an immigration officer is not satisfied that sufficient evidence has been provided to demonstrate that the relevant immigration instructions have been met.

e If an immigration officer is satisfied that any information or documentation submitted in applying for a visa is false or misleading, that application may be declined (see R5.20.1(h)).

Effective 22/08/2016
R5.15 Explaining discrepancies in family details

a Under the principles of fairness and natural justice, applicants must be given an opportunity to explain any discrepancies in the details of their immediate family, if those discrepancies are materially relevant to the application.

b Applicants, or other relevant parties, may be required to provide the explanation in writing and/or at an interview, and if given at interview the explanation must be recorded in writing.

c If applicants or other relevant parties are required to provide the explanation in writing, they must be given a reasonable time in which to do so and must know what it is they are expected to explain.

d If, as the result of an explanation, the immigration officer is satisfied that the details provided by the applicant are correct, or that the applicant has genuinely misunderstood the requirements, the officer should continue to assess the application.

R5.15.1 False or misleading information

a If an immigration officer has reasonable cause to believe that an applicant has:
   i supplied incorrect information; or
   ii failed to declare relevant family members in a deliberate attempt to mislead,

   the officer should consider declining the application under the character provisions of the Administration chapter (A5).

b If the application is declined on character grounds, the officer should continue to assess the application and, if the application fails to meet other applicable residence instructions requirements, also decline the application on those grounds.

Effective 29/11/2010
R5.18 Effect of provisions of the Prostitution Reform Act 2003

No residence class visa may be granted in contravention of the Prostitution Reform Act 2003. That act provides that:

a. No visa may be granted to a person on the basis that they:
   i. Have provided, or intend to provide, commercial sexual services; or
   ii. Have provided, or intend to act as an operator of a business of prostitution; or
   iii. Have invested, or intends to invest, in a business of prostitution.

b. If the holder of a resident visa is subject to any conditions under section 49(1) of the Immigration Act 2009, the condition is considered not to be met (for the purposes of the holder becoming liable for deportation) if the visa holder acts as an operator of, or invests in, a New Zealand business of prostitution.

Effective 29/11/2010
R5.20 Assessment of applications under nominated category

See previous instructions R5.20 Effective 29/11/2010

| a | Immigration officers need only assess applications under the category the principal applicant nominates. |
| b | Officers are not obliged to seek further information to determine whether the principal applicant may be eligible under another category. |
| c | However, officers should request further information to enable the application to be assessed under another category if: |
  | i | An application does not meet the criteria for approval under the category in which it was made; and |
  | ii | Information contained in the application form or accompanying documents clearly indicates that the principal applicant may be eligible under that other category. |

Note: Resident visas can only be granted under the Skilled Migrant Category to a person who has been invited by an immigration officer to apply for a residence class visa under the Skilled Migrant Category.

R5.20.1 Further information

See also Immigration Act 2009 ss 58, 93, 158

| a | Further information may be submitted at any time before a final decision is made on an application. Immigration officers must take into account any relevant information submitted by applicants before a final decision is made. |
| b | Immigration officers should also take into account any relevant information held about previous applications. |
| c | If applicants do not respond within the specified time to a request from an immigration officer for further information, evidence or documents, or an interview, the application may be assessed on the relevant information then available to INZ, unless it is reasonable to enquire further. |
| d | Applicants must inform an immigration officer of any relevant fact, including any material change in circumstances that occurs after the application is made, if that fact or change in circumstances: |
  | i | May affect the decision on the application; or |
  | ii | May affect a decision to grant entry permission to the holder of a visa. |
| e | Every person expressing an interest in obtaining an invitation to apply for a residence class visa under section 92 of the Immigration Act 2009 must inform an immigration officer of any relevant fact, including any change in circumstances that occurs after the expression of interest is notified, if that fact or change in circumstances: |
  | i | May affect the decision to issue an invitation to apply for a residence class visa; or |
  | ii | May affect a decision to grant a residence class visa as a consequence of the invitation to apply. |
| f | A change in circumstances may relate to the applicant or another person included in the application, and may relate to any matter relevant to the applicable instructions. |
| g | Failure to comply with the requirements of (d) or (e) above: |
  | i | Amounts to 'concealment of information' for the purposes of section 158 of the Immigration Act; and |
  | ii | May lead to the holder of any visa granted being made liable for deportation. |
| h | It is sufficient grounds for the Minister of Immigration or an immigration officer to decline to grant a visa to a person if the Minister or officer is satisfied that the person: |
  | i | Whether personally or through an agent, in expressing their interest in obtaining an invitation to apply for a residence class visa submitted false or misleading information, or withheld relevant information. |
information that was potentially prejudicial to the issue of the invitation; or

ii did not ensure that an immigration officer was informed of any material change in circumstances between the time of expressing interest and the time of the person's application for the relevant visa; or

iii whether personally or through an agent, in applying for the visa submitted false or misleading information or withheld relevant information that was potentially prejudicial to granting the visa; or

iv did not ensure that an immigration officer was informed of any material change in circumstances between the time of making the application and the time of a decision on the application.

R5.20.5 Potentially prejudicial information

In accordance with the principles of fairness and natural justice set out in the Administration chapter (A1), applicants for a residence class visa will be given the opportunity to comment before a decision is made to decline to grant a visa on the basis of any potentially prejudicial information that they are not necessarily aware of.

R5.20.10 Documenting decisions

All immigration officers must observe the following procedures to ensure that decisions on applications for a residence class visa are properly documented:

a make all file records (particularly file notes and instructions) accurate, clear, complete and factual; and

b give all decisions on applications in writing to applicants (or their representatives); and

c state the full reasons for the decisions (without prejudicing any risk profiles); and

d if an applicant does not meet the criteria set out in the instructions on several grounds, the letter declining their application must state why the applicant fails on each count.

Effective 02/12/2013
R5.25 Reclaiming airfares and expenses

a If a person included in a residence class visa application has been previously removed or deported or repatriated from New Zealand, no visa may be granted to anyone included in the application until all expenses incurred by INZ in deporting or repatriating them are repaid.

b Any approval in principle letter (see R5.45) must contain the requirement that all costs be repaid and also show the amount to be repaid.

Effective 29/11/2010
R5.30 Approving an application

Applications for a residence class visa must be approved if the immigration officer is satisfied that:

a  the applicant has provided all evidence required by the applicable residence instructions, and any additional evidence requested by the immigration officer; and

b  the applicant meets applicable residence instructions including the requirements of health and character.

R5.30.1 Approving an application for a resident visa made at an immigration control area by holders of current Australian permanent residence visas, current Australian resident return visas or valid Australian passports

a  People who hold current Australian permanent residence visas, current Australian resident return visas or valid Australian passports may be granted resident visas on arrival in New Zealand, provided they have not been excluded under sections 15 or 16 of the Immigration Act 2009 (see A5.20)

b  If sections 15 or 16 apply, a resident visa may be granted only in accordance with a special direction made under section 17 (see RA8).

Note: A resident visa granted to an Australian passport holder will be an electronic record held by INZ. If an Australian passport holder requires evidence of their resident status in New Zealand, they may apply for a confirmation of a residence class visa (R7).

Effective 29/11/2010
R5.35 Later application under any residence category by previous applicants

See previous instructions R5.35 Effective 29/11/2010

An applicant for a residence class visa in New Zealand must not be approved under those instructions if their application is based on their relationship to a New Zealand permanent resident, resident or citizen who originally obtained a residence class visa as the partner or dependent child(ren) of the applicant or the applicant's partner.

Effective 28/08/2017
R5.45 Approval in principle

See previous instructions R5.45 Effective 29/11/2010

a. An application for a residence class visa is approved in principle at such time as an immigration officer is satisfied that all requirements necessary to demonstrate eligibility under the relevant instructions have been met with the exception of:
   i. the payment of any ESOL tuition fee; or
   ii. transfer and/or investment of funds, as required under the relevant category of residence.

b. The date of approval in principle is the date of the letter to the principal applicant or their agent advising that approval in principle has been given.

c. An initial period of time must be given to applicant(s) to fulfil outstanding requirements, which may include the provision of an acceptable travel document for the principal applicant required to grant a residence class visa.

d. If the outstanding requirements have not been fulfilled within the period specified, the application must be declined unless an immigration officer is satisfied that circumstances warrant extending that period, as outlined in paragraphs (e)–(f) below.

e. Immigration officers must consider any relevant circumstances in deciding whether or not to decline an application approved in principle in terms of (d) above, including but not limited to:
   i. the death of a family member;
   ii. illness;
   iii. loss or theft of documentation.

f. Following consideration of the relevant circumstances in (e) above, an immigration officer may, if appropriate, extend the initial approval in principle period.

g. Where appropriate, more than one approval in principle letter may be issued to allow the principal applicant time to fulfil outstanding requirements.

Example: An applicant under a Migrant Investment category may be approved in principle and given an initial period of time to fulfil transfer and investment requirements. Once acceptable evidence of transfer and investment has been confirmed by INZ, a further letter may be issued to give the applicant time to submit passports and make payment of ESOL tuition fees.

R5.45.1 Information received after approval in principle has been given

In accordance with the principles of fairness and natural justice provided in the Administration chapter (A1), principal applicants must be given the opportunity to comment on the basis of any potentially prejudicial information that comes to light after approval in principle, before a final decision on their eligibility under residence instructions (including Health and Character requirements) is made.

Effective 28/08/2017
**R5.50 Lapsing an application (to 27/08/2017)**

Note: The instructions contained in this section cease to be effective from 28/08/2017

See previous instructions:
R5.50 Effective 29/11/2010

**R5.50.1 Lapsing an application on the grounds that the applicant has failed to provide their travel document to INZ**

a Unless paragraph (b) applies, an application will be considered to be lapsed, and must be declined, if a principal applicant has not provided their travel document to INZ for the grant of a residence class visa within 6 months from the date of advice that the application has met the requirements for approval.

b Immigration officers must consider any relevant circumstances in deciding whether or not to lapse and then decline an application, including but not limited to:
   i the death of a family member,
   ii illness,
   iii loss or theft of documentation,
   and they may, if appropriate, extend the 6-month period referred to in paragraph (a) above.

c Any application lapsed under this provision will not result in the refund of the application fee and/or immigration levy.

Effective 07/12/2015
R5.55 Declining an application

Where an application is being declined because:

a. It does not meet residence instructions, refer to R5.55.1 and R5.55.5.

b. A person included in the application is a person to whom sections 15 or 16 applies, refer to R5.55.15.

R5.55.1 Declining an application where it does not meet residence instructions

a. Applications that do not meet residence instructions must be declined.

b. If an application is declined, immigration officers must notify the principal applicant in writing, informing the principal applicant:
   i. Of the reasons why the application has been declined (giving the points total, if appropriate), and
   ii. Of their right to appeal to the Immigration and Protection Tribunal and how they should lodge the appeal.

Note: The form Immigration and Protection Tribunal - Residence Class Visa Appeal (Form 1) or a link to the form on the Ministry of Justice website must be included in the letter advising that the application has been declined.

c. Immigration officers must record the date that any letter advising that the application has been declined is sent.

R5.55.5 Right of Appeal to the Immigration and Protection Tribunal

See also Immigration Act 2009 s 187

a. Appeals must be lodged within 42 days after the date that an applicant is deemed to have received a letter advising that an application for a residence class visa has been declined.

b. Appeals must be lodged on the form Immigration and Protection Tribunal - Residence Class Visa Appeal (Form 1) which contains information on:
   i. How to lodge an appeal,
   ii. The required fee,
   iii. How the time limit for lodging an appeal is calculated.

Note: There is no right of appeal to the Immigration and Protection Tribunal for applicants who have been declined on the basis that sections 15 or 16 apply to them (see R5.55.15).

R5.55.15 Declining an application where it includes a person to whom sections 15 or 16 apply

a. Pursuant to A5.20, any application including a person to whom sections 15 or 16 of the Immigration Act 2009 apply, must be declined unless covered by one of the exceptions identified at A5.20(a).

b. If an application is declined, immigration officers must notify the principal applicant in writing, informing the principal applicant that the application has been declined as a person included in the application is prohibited by statute from entitlement or eligibility for the grant of a residence class visa by virtue of sections 15 or 16.

Note: An application declined on this basis shall not be assessed under residence instructions.

c. Immigration officers must record the date that any letter advising that the application has been declined is sent.
Note: An applicant to whom sections 15 or 16 apply who is included in an application declined on this basis has no right of appeal to the Immigration and Protection Tribunal, but other applicants included in that application to whom sections 15 or 16 do not apply, may appeal.

Effective 21/05/2018
R5.60 Date of final decision

See previous instructions:
R5.60 Effective 29/11/2010

a The date of final decision on an application that is declined is the date when the letter advising that the application has been declined is sent.

b The date of final decision on an application that is approved is the date of grant of the residence class visa.

Effective 06/07/2015
R5.65 Approved applications for residence class visas

See previous instructions:
R5.70 Effective 24/04/2019
R5.70 Effective 15/12/2017
R5.70 Effective 29/11/2010

a  Unless otherwise stated, an approved application for a residence class visa will result in the grant of a resident visa.

b  The travel conditions to be granted on a resident visa are set out at R5.66.

c  A permanent resident visa may be granted as a result of an approved application for a:
   i  permanent resident visa, by a resident visa holder who meets the requirements set out in RV2;
   ii residence class visa under Partnership Category, by a person who meets the requirements set out F2.5.1;
   iii residence class visa under the Talent (Accredited Employer) Category, by a person who meets the requirements set out RW2.1;
   iv residence class visa by a quota refugee, asylum seeker or protected person (S3.10), or community organisation sponsored refugee (see S4.25);
   v  a permanent resident visa under the Christchurch Response (2019) Category, by a person who meets the requirements set out at S4.30.

R5.65.1 Resident visas subject to conditions

See also Immigration Act 2009 ss 49, 50, 55

a  When a principal applicant is granted a resident visa subject to conditions, the resident visas of any accompanying partner and dependent child will be subject to the condition that "the principal applicant comply with the conditions of the principal applicant's visa".

b  For applications based on partnership, or dependent child relationships, any applicant who is supported by a person whose resident visa is subject to conditions at the time the sponsorship was undertaken or support was given, will be granted a resident visa subject to the condition that "[name of supporter] comply with the requirements of [his or her] visa".

c  Every resident visa, except for a second or subsequent resident visa granted under RV4, is subject to the condition that the holder comply with:
   i  any order made under section 11 of the COVID-19 Public Health Response Act 2020; and
   ii any order made under section 70 of the Health Act 1956 and listed in schedule 2 of the COVID-19 Public Health Response Act 2020; and
   iii any instruction from a Medical Officer of Health which relates to a notifiable or quarantinable disease.

d  The visa condition in (c) above applies for a period of three months from:
   i  the date that the visa was granted, where the visa was granted in New Zealand; or
   ii the date that the holder was first granted entry permission on the basis of the visa, where the visa was granted outside New Zealand.

Note: A notifiable or quarantinable disease is any disease referred to in Part 1 and Part 3, respectively, of Schedule 1 of the Health Act 1956.

Effective 22/06/2020
R5.66 Travel conditions on resident visas

See previous instructions:
R5.66 Effective 21/11/2016
R5.66 Effective 30/07/2012
R5.66 Effective 29/11/2010

a Unless a resident visa is granted at an immigration control area, all resident visas may be granted with travel conditions allowing:
   i First arrival by a certain date, if the applicant is offshore (unless the resident visa is a second or subsequent resident visa granted under RV4); and
   ii Multiple entries current either for a set period from date of the initial grant of entry permission based on the resident visa, or until a certain date.

b The currency of these travel conditions are determined by the residence category under which the resident visa has been granted.

R5.66.1 Travel conditions allowing first entry for applicants overseas when the resident visa is granted

a If an applicant is offshore at the time their application for a resident visa is granted, the following travel conditions must be granted to allow their first entry to New Zealand as a resident:
   i First entry within one year after the grant of the visa, unless the resident visa was granted under the Samoan Quota Scheme (see S1.10.55), or the Pacific Access Category (see S1.40.55); or
   ii First entry within three months after the grant of the visa, if the resident visa was granted under the Samoan Quota Scheme (see S1.10.55), or the Pacific Access Category (see S1.10.55).

b No variation to travel conditions pertaining to first entry may be granted.

c People with resident visas who fail to travel to New Zealand within the validity of their first travel condition must submit a further application for a residence class visa if they still wish to live in New Zealand.

Note:
~ In the case of applicants who wish to re-apply for a residence class visa under categories which require selection from a ballot (e.g. Samoan Quota, Pacific Access Category) such applicants must re-register for a ballot and submit a new application for a residence class visa if they are successful in such a ballot.
~ Applicants who wish to re-apply for a residence class visa under categories which require an invitation to apply following selection from a pool (e.g. Skilled Migrant Category) must submit a new Expression of Interest and subsequently be invited to apply for residence.

d Any new residence class visa application must be lodged in the prescribed manner and will be assessed against residence instructions applying at the time the new application is made.

e Visas will be granted only if the applicant’s travel document is current for the proposed currency of the initial travel conditions.

R5.66.5 Travel conditions allowing multiple entries from the first day in New Zealand as a resident

a A resident visa may be granted with travel conditions allowing multiple entries for two years from the applicant’s first day in New Zealand as a resident, unless the visa is granted under:
   i The Parent Category (F4), in which case a visa may be granted with multiple entry travel conditions for ten years from the applicant’s first day in New Zealand; or
   ii Religious Worker instructions (RW7.20), in which case a visa may be granted with multiple entry travel conditions for five years from the applicant’s first day in New Zealand.

b A person’s first day in New Zealand as a resident is either:
the day their resident visa is granted in New Zealand; or
ii the day they are first granted entry permission on the basis of their resident visa, if they were outside of New Zealand when their resident visa was granted.

c If a resident visa holder fails to travel to New Zealand within the validity of their first entry travel condition, their multiple entry travel conditions never become valid.

d If the holder of a resident visa wishes to travel to New Zealand outside of the validity of their multiple entry travel conditions and they do not qualify for a permanent resident visa (see RV2), they may apply for a variation of their travel conditions (RV3).

R5.66.10 Former New Zealand citizens deemed to hold a resident visa
See also Immigration Act 2009 s 75

a Former New Zealand citizens who have renounced their New Zealand citizenship and are deemed to hold a resident visa under section 75 may be granted multiple entry travel conditions for two years from the date they renounced their citizenship.

b Former New Zealand citizens who have been deprived of their New Zealand citizenship are deemed to hold a resident visa under section 75 may be granted multiple entry travel conditions for the duration they would be eligible for if they applied for a variation of travel conditions (RV3).

Note: Former New Zealand citizens who have renounced their New Zealand citizenship and are deemed to hold a resident visa under section 75 may also apply for and be granted a permanent resident visa (see RV2.15)

Effective 13/05/2019
R5.70 Newborn children of residence class visa holders

See previous instructions:
R5.70 Effective 30/07/2012
R5.70 Effective 29/11/2010

a Children born outside New Zealand to applicants who hold residence class visas but have not yet travelled to New Zealand on those visas, may be included in their parents’ application, provided that the child’s name is added to the application form and the following documents are submitted:

i a full birth certificate; and
ii 2 passport-sized photographs; and
iii a completed General Medical Certificate (INZ 1007); and
iv an acceptable travel document.

Effective 07/12/2015
R5.75 Status of people applying for a residence class visa while in New Zealand

See also Immigration Act 2009 s 14

The fact that a person has applied for a residence class visa while in New Zealand does not:

a. make that person’s presence in New Zealand lawful; or

b. give that person the right to remain in New Zealand while the application is considered; or

c. give that person the right to apply for or be granted any other visa while the application is considered; or

D. prevent that person being deported from New Zealand.

Effective 29/11/2010
R5.80 Referring residence decisions to the Minister

See also Immigration Act 2009 s 72

No immigration officer may refer an application for a residence class visa to the Minister of Immigration for a decision in the first instance unless the Minister gives a special direction to do so (see RA7).

**Note:** The effect of the Minister becoming personally involved in the decision in the first instance is to deprive the applicant of appeal rights except where the Minister relied on classified information to make that decision.

*Effective 29/11/2010*
**R5.90 Migrant Levy**

See previous instructions:
R5.90 Effective 25/07/2011
R5.90 Effective 29/11/2010

**Note:** These instructions cease to be effective from 7 December 2015.

*Effective 07/12/2015*
R5.95 Character requirement for partners supporting Partnership Category applications

See previous instructions:
R5.95 Effective 28/08/2017
R5.95 Effective 08/05/2017
R5.95 Effective 04/04/2011
R5.95 Effective 29/11/2010

a. Any supporting partner who has been convicted either within New Zealand or any other country of:
   i. any offence involving family violence; or
   ii. any offence of a sexual nature
   will not meet the character requirement for partners supporting Partnership Category applications, unless granted a character waiver (see R5.95.5 below).

b. If the supporting partner does not meet the character requirement for partners supporting partnership application, the application may be declined.

Note: For the purpose of these instructions, 'family violence' has the meaning set out in s.9 of the family Violence Act 2018.

Any New Zealand conviction maybe covered under the Criminal Records (Clean Slate) Act 2004. See A5.5.1.

R5.95.1 Evidence that partners supporting Partnership Category applications meet the character requirement

a. Character checks must be carried out for partners (aged 17 and over) supporting Partnership Category applications.

b. The supporting partner character check consists of:
   i. a New Zealand police certificate obtained by Immigration New Zealand; and
   ii. a police or similar certificate, less than 6 months old, from any country in which the supporting partner has lived 12 months or more (whether on one visit or intermittently) in the last ten years.

c. Despite (b), an immigration officer may, where they have reason to suspect the supporting partner may not meet character requirements, request a police certificate from the supporting partner for any country in which they have lived for 12 months or more since they turned 17.

d. Where an application is submitted without the required police certificate(s), an immigration officer may nevertheless accept the application, and obtain any necessary clearances after acceptance, if a supporting partner requires a police certificate from a country:
   i. that does not issue police certificates to individuals; or
   ii. for which no instructions in respect of how to obtain a police certificate is available.

e. If a police certificate is not available from a particular country, the supporting partner must provide a separate statutory declaration in both English and the supporting partner's first language, which must:
   i. detail the supporting partner's attempts to obtain a police certificate; and
   ii. state whether the supporting partner has been convicted, or found guilty of, or charged with any offences against the law of that country; and
   iii. be corroborated by other information confirming the supporting partner's character.
Notes:
~ For full information on police certificates see A5.10.
~ Instructions in respect of how to obtain police certificates from specific countries can be obtained from the INZ website at www.immigration.govt.nz/policecertificate.

R5.95.5 Action

a Immigration officers must not automatically decline partnership applications on the basis that the supporting partner does not meet the character requirement for partners supporting partnership applications.

b Officers must consider the surrounding circumstances of the application to decide whether or not they are compelling enough to justify waiving the character requirement. The circumstances include but are not limited to the following factors as appropriate:
   i if applicable, the seriousness of the offence (generally indicated by the term of imprisonment or size of the fine); and/or
   ii whether there is more than one offence; and/or
   iii how long ago the relevant event occurred.

c Officers must make a decision only after they have considered all relevant factors, including (if applicable):
   i any advice from the National Office of INZ; and
   ii compliance with fairness and natural justice requirements (see A1).

d Officers must record:
   i their consideration of the surrounding circumstances, (see paragraph (b) above), noting all factors taken into account; and
   ii the reasons for their decision to waive or decline to waive the character requirement.

e Any decision to waive the character requirement for partners must be made by an officer with Schedule 1-3 delegations.

Effective 23/12/2019
R5.96 Health requirement for partners or dependent children not included in or withdrawn from a residence class visa application

a Applicants under one of the Family Categories who were eligible for inclusion but were not included in, or were withdrawn from, a residence class visa application made by their partner or parent must provide a General Medical Certificate (INZ 1007) with their application rather than a Limited Medical Certificate (INZ 1201).

b If an immigration officer determines that the applicant does not have an acceptable standard of health they will not be granted a medical waiver (see A4.60(b)) despite being the partner or dependent child of a New Zealand citizen or residence class visa holder (see A4.60(d)).

Effective 30/07/2012
**R5.100.10 Restriction on the grant of visas to Grace Mugabe, the wife of the late Robert Mugabe, former President of Zimbabwe**

See previous instructions:
- R5.100 Effective 26/11/2018
- R5.100 Effective 28/06/2018
- R5.100 Effective 28/07/2014
- R5.100 Effective 03/04/2014
- R5.100 Effective 24/03/2014
- R5.100 Effective 06/10/2013
- R5.100 Effective 06/05/2012
- R5.100 Effective 30/07/2011
- R5.100 Effective 29/11/2010

**R5.100.1 Ban on the grant of visas to leading members of the Government of the Federal Republic of Yugoslavia (FRY) including Serbia and their supporters**

a. New Zealand has taken action in respect of leading citizens of the FRY and Serbia, being persons closely aligned with the regime of Slobodan Milosevic whose activities support President Milosevic or whose actions are presumed to provide support (including members of his immediate family), and who are named on the lists of such persons held by INZ and updated from time to time.

b. Ordinarily, none of the persons named on the lists held by INZ may be granted a visa to enter New Zealand (including a transit visa).

c. Where special circumstances exist (supported by cogent and reliable evidence) INZ may nonetheless grant a visa to a person named on the lists.

d. The decision to grant a visa to a person named on the lists is limited to immigration officers with Schedule 1-2 delegations (see A15.5).

**R5.100.10 Restriction on the grant of visas to Grace Mugabe, the wife of the late Robert Mugabe, former President of Zimbabwe**

a. Ordinarily, Grace Mugabe, the wife of the late Robert Mugabe, the former President of Zimbabwe, may not be granted a visa to New Zealand (including a transit visa).

b. Notwithstanding (a), where special circumstances exist (supported by cogent and reliable evidence and in consultation with MFAT) INZ may nonetheless grant such a visa.

c. The decision to grant a visa under (b) is limited to immigration officers with Schedule 1-2 delegations (see A15.5).

**R5.100.20 Ban on the grant of visas to leading members of the Syrian regime**

a. New Zealand has taken action in respect of leading members of the regime in Syria, being persons closely aligned with the regime of President Bashar Hafez al-Assad, and who are named on the list of such persons held by INZ and updated from time to time.

b. Ordinarily, none of the persons named on the list held by INZ may be granted a visa to enter New Zealand (including a transit visa).

C. Where special circumstances exist (supported by cogent and reliable evidence and in consultation with MFAT) INZ may nonetheless grant a visa to a person named on the list.

D. The decision to grant a visa to a person named on the list is limited to immigration officers with Schedule 1-2 delegations (see A15.5).

**R5.100.25 Ban on the grant of visas to individuals associated with the Ukraine crisis**

a. New Zealand has taken action in respect of key individuals identified as being responsible for, or associated with, actions which undermine or threaten the territorial integrity, sovereignty and
independence of Ukraine, and who are named on the list of such persons held by INZ and updated from time to time.

b Ordinarily, none of the persons named on the list held by INZ may be granted a visa to enter New Zealand (including a transit visa).

c Where special circumstances exist (supported by cogent and reliable evidence and in consultation with MFAT) INZ may nonetheless grant a visa to a person named on the list.

d The decision to grant a visa to a person named on the list is limited to immigration officers with Schedule 1-2 delegations (see A15.5).

**R5.100.30 Ban on the grant of visas to DPRK nationals**

*United Nations Sanctions (Democratic People’s Republic of Korea) Regulations 2017 Reg 46A*

a A person who is a national of DPRK is not eligible to obtain a visa, or any other authorisation, that would entitle the person to work in New Zealand.

b R5.100.30(a) does not apply with regard to a visa or other authorisation approved in advance by the Committee (as defined in the UN Sanctions (DPRK) Regulations 2017).

c If the visa or other authorisation as to the eligibility of the person is approved in advance by the Committee, the decision to grant a visa to a person named on the list is limited to immigration officers with Schedule 1-2 delegations (see A15.5).

**R5.100.35 Ban on the grant of visas to Russian individuals expelled from certain countries for activities incompatible with their diplomatic status**

a New Zealand has taken action in respect of Russian individuals expelled from certain countries for activities incompatible with their diplomatic status.

b Ordinarily, a person described in (a) above may not be granted a visa to enter New Zealand (including a transit visa).

c Where special circumstances exist (supported by cogent and reliable evidence and in consultation with MFAT) INZ may nonetheless grant a visa to such a person.

d The decision to grant a visa to a person named on the list is limited to immigration officers with Schedule 1-2 delegations (see A15.5).

**R5.100.40 Ban on the grant of visas to certain Saudi Arabian individuals**

a New Zealand has taken action in respect of individuals identified as being involved in, or associated with, the killing of Jamal Khashoggi, and who are named on the list of such persons held by INZ.

b Ordinarily, none of the persons named on the list held by INZ may be granted a visa to enter New Zealand (including a transit visa).

c Where special circumstances exist (supported by cogent and reliable evidence and in consultation with MFAT) INZ may nonetheless grant a visa to such a person.

d The decision to grant a visa to a person named on the list is limited to immigration officers with Schedule 1-2 delegations (see A15.5)

*Effective 02/12/2019*
R5.105 Restrictions on the grant of residence class visas for students holding a New Zealand scholarship administered by the Ministry of Foreign Affairs and Trade and their dependants

See immigration instruction:
R5.105 Effective 17/11/2014

a Unless (b) applies, New Zealand scholarship students and their partners, and the dependent children of scholarship students and/or their partner are not eligible to be granted a residence class visa:
   i for the duration that the student receives the scholarship; and
   ii in the two-year period following cessation of the student’s scholarship (see U11).

b The restriction in (a) may be waived if written approval from the Ministry of Foreign Affairs and Trade (MFAT) is obtained.

c INZ will notify MFAT if any New Zealand scholarship student, their partner or dependent children apply for a residence class visa at any time throughout the duration of the scholarship or in the two-year period following the cessation of the scholarship.

d Any work visa granted to the New Zealand scholarship student’s partner under immigration instructions at WF4.5 will expire on cessation of the scholarship and cannot be renewed, unless the work visa holder has written approval from MFAT for a renewal (see WF4.5).

Effective 13/05/2019
R5.110 Compliance with employment law

See previous instruction:
R5.110 Effective 01/04/2017

a An employer who supports a visa application, or provides an offer of employment in support of an application, must have a history of compliance with employment law.

b A history of compliance with employment law includes, but is not limited to, meeting the requirements of the following legislation:
   i Accident Compensation Act 2001; and
   ii Employment Relations Act 2000; and
   iii Equal Pay Act 1972; and
   iv Health and Safety at Work Act 2015; and
   v Holidays Act 2003; and
   vi Minimum Wage Act 1983; and
   vii Parental Leave and Employment Protection Act 1987; and
   viii Wages Protection Act 1983.

R5.110.1 Evidence of non-compliance with employment law

a Employers are considered to not have a history of compliance with employment law if they are included on a list of non-compliant employers maintained by the Labour Inspectorate. The rules for inclusion on the list are set out in Appendix 10.

b Where an employer has an investigation or case pending with the Labour Inspectorate, the Employment Relations Authority, or the New Zealand courts, an immigration officer may request further information to determine whether an employer is complying with the requirements of employment law.

c New employers may be considered to have a history of compliance if:
   i they do not appear on the list of non-compliant employers maintained by the Labour Inspectorate; and
   ii they can demonstrate they have sound human resources policies and practices; and
   iii there is no other information that indicates non-compliance, for example when a person who is on the stand-down list is able to influence employment agreements, practices and policies.

d A visa application will be declined if:
   i it is supported by, or includes a job offer based on employment with, an employer who is included on a list of non-compliant employers; or
   ii an immigration officer is otherwise not satisfied the employer meets the requirements of R5.110.1(a) – (c) above.

Note:
- Breaches of employment standards which lead to inclusion on a list of non-compliant employers may still be considered when determining an employer’s compliance with employment law, as required elsewhere in immigration instructions, even if the employer is no longer on the list.

Effective 28/08/2017
R5.115 Partners and dependent children who must be included in a residence class visa application

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Reg 5 & 20

A partner or dependent child of the principal applicant included in a residence class visa application cannot be removed from that application while the application is being processed, unless a change in circumstances results in the partner ceasing to be the applicant’s partner or the child ceasing to be a dependent child.

Effective 08/05/2017
R6 New Zealand Residence Programme
### R6.1 New Zealand Residence Programme

See previous instructions:
- R6.1 Effective 12/10/2016
- R6.1 Effective 20/07/2014
- R6.1 Effective 01/07/2011
- R6.1 Effective 29/11/2010

| a | The New Zealand Residence Programme (NZRP) consists of all persons approved for residence class visas in the 18 months beginning 1 July 2018 and ending 31 December 2019. |
| b | The NZRP is set for an 18 month period while a new approach for managing residence class visa numbers and priorities is finalised. Any changes will be advised by an amendment to these instructions. |
| c | The NZRP for the 18 month period from 1 July 2018 to 31 December 2019 is 50,000 to 60,000 approved places. |

**Note:** Permanent resident visas granted to holders of resident visas or second or subsequent resident visas granted to former holders of resident visas are not counted towards the NZRP.

**Effective 13/05/2019**
There are three streams within the New Zealand Residence Programme (NZRP):

i. The Skilled/Business stream;

ii. The Family stream

iii. The International/Humanitarian stream.

The Government may, from time to time, reallocate places for approvals within the three streams and/or add places to the three streams.

The allocation of places for each stream across the 18 month NZRP period is as follows:

i. The Skilled/Business stream is allocated approximately 25,500 to 30,600 places.

ii. The Family stream is allocated approximately 19,000 to 22,800 places.

iii. The International/Humanitarian stream is allocated approximately 5,500 to 6,600 places.

Effective 13/05/2019
### R6.10 Points systems

See previous instructions:
- R6.10 Effective 27/11/2014
- R6.10 Effective 29/11/2010

a  Applications under the Skilled Migrant and Investor 2 Categories are assessed under a points system.
b  A person who is interested in applying for a resident visa under the Skilled Migrant or Investor 2 category must complete an Expression of Interest (EOI) form in the prescribed manner.
c  EOIs that meet the prerequisites for health, character and other factors prescribed under those categories, including a minimum point score, are entered into the Skilled Migrant Category Pool or Investor 2 Category Pool.
d  EOIs are ranked in those pools on the basis of their total points. The ranking of EOIs relative to each other will change as EOIs enter, or are withdrawn from, the Pool, or as the points claimed by EOIs already in the Pool change.
e  EOIs may be selected from the relevant pool according to the selection criteria in place at the time of selection.
f  Selected EOIs may result in an Invitation to Apply for residence, subject to an assessment of the credibility of the information provided in the EOI and whether the EOI indicates the presence of any health or character issues that may adversely affect the ability of the person expressing interest to be granted a resident visa.

**Effective 10/11/2016**
R7 Confirming or transferring a residence class visa
R7.1 When confirmation is required

People in New Zealand who hold, or are deemed to hold, a residence class visa may need to confirm their residence class visa if, for example:

- they have lost their original passport and wish to have a residence class visa label placed in their new one; or
- they are applying to the Department of Internal Affairs for New Zealand citizenship; or
- they never obtained a visa or permit on arrival; or
- they hold a permit granted under the Immigration Act 1964 or the Immigration Act 1987.

R7.1.1 Applicants who arrived before 2 April 1974

See also Immigration Act 2009 s 415
See also Immigration Act 1987 s 44

Applicants who arrived lawfully before 2 April 1974 for the purpose of permanent residence and did not receive residence permits, and who need to satisfy an immigration officer that they are deemed to hold a resident visa under section 415 of the Immigration Act 2009, may have their resident visa confirmed if they:

a were not issued a permit or entry authority under the Immigration Act 1964 or any earlier corresponding Act; and

b have been in New Zealand continuously from 2 April 1974 and until at least 31 October 1987, apart from any period or periods spent in:
   i the Cook Islands, Niue or Tokelau; or
   ii Australia (if during any such period they were Commonwealth citizens or citizens of the Republic of Ireland, and were able to live in either New Zealand or Australia without restriction); and

c were in New Zealand at midnight on 31 October 1987; and

d were not exempt under the Immigration Act 1987 from having to hold a residence permit.

Effective 29/11/2010
R7.5 When transfer is required

People who hold, or are deemed to hold, a residence class visa may need to transfer their visa if the passport containing their visa is nearing or past the expiry date and they require evidence of their immigration status and/or right to re-enter New Zealand in a new passport.

Effective 29/11/2010
R7.10 Procedure for confirming or transferring a residence class visa

See previous instructions:
R7.10 Effective 02/12/2013
R7.10 Effective 26/03/2012
R7.10 Effective 29/11/2010

R7.10.1 Endorsement of residence status in passport or certificate of identity
See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 32

a Applicants applying to have their residence status endorsed in their passport or certificate of identity must make the application on the form Application for Transfer or Confirmation of a Visa (INZ 1023). The form must be given to an immigration officer together with:
   i the applicant’s passport or certificate of identity; and
   ii if applicable, any previous or expired passport or certificate of identity; and
   iii evidence that the applicant holds or is deemed to hold a residence class visa; and
   iv the appropriate fee (if any).

b If applicants cannot provide proof of lawful residence, immigration officers must establish whether there is a file for the applicant in INZ records, and if so, they must check the file.

R7.10.5 eVisa transfer

a Applicants applying to transfer their visa to a new passport or certificate of identity may request an eVisa instead of a physical label. An eVisa is a visa issued without a physical visa label in a passport or certificate of identity. If granted an eVisa, a visa approval letter should be issued which includes the appropriate visa details.

b Applicants should provide the following:
   i a completed Application for Transfer or Confirmation of a Visa (INZ 1023) form; and
   ii a passport or certificate of identity (or a certified copy of either).

c No immigration fee or levy applies to replace a physical visa label with an eVisa or when transferring an eVisa from one passport or certificate of identity to another.

R7.10.10 Confirmation of residence status by letter

a Applicants who wish to have confirmation of the date their residence was originally granted in the form of a letter must make a written request to the appropriate INZ receiving office (see the INZ website).

b A letter confirming the date residence was originally granted must:
   i be on letterhead; and
   ii give the applicant’s full name, date of birth and the date residence was granted; and
   iii be legibly signed and dated by an immigration officer; and

Effective 21/05/2018
R7.15 Evidence

R7.15.1 Evidence required to confirm or transfer residence class visas

Acceptable evidence for a confirmation of residence class visa may include:

a any previous or expired passport or certificate of identity containing a residence class visa,

b the passport containing the original residence class visa, permit or other entry authority applying at the time of entry; or

c for the purpose of R7.1.1, documents showing continued residence since before 2 April 1974, which may include but are not limited to:

i rates demands,

ii driver’s licenses,

iii receipted power bills,

iv income tax returns,

v school records,

vi employment references,

vii any other evidence requested by INZ.

Effective 29/11/2010
R8 Special Cases
R8.1 Granting a visa under section 61 (to 30/09/2013)

**Note:** The instructions contained in this section cease to be effective from 30 September 2013.

**Effective 30/09/2013**

**Business**
## IN THIS SECTION

- BA Business Immigration Instructions ................................................................. 108
- BB Entrepreneur Work Visa Category ................................................................. 115
- BE Employees of Relocating Businesses Category ........................................... 137
- BF English language requirements ................................................................. 160
- BG Global Impact Visa Categories .................................................................. 179
- BH Entrepreneur Residence Visa Category .................................................... 191
- BJ Migrant Investment Categories .................................................................. 219
- BM Fit and proper person requirements .......................................................... 291
BA Business Immigration Instructions
BA1 Objective

The objective of the Business Immigration Instructions is to contribute to economic growth through:

a. increasing New Zealand's level of human capital;

b. encouraging enterprise and innovation; and

c. fostering external links.

Effective 29/11/2010
BA2 Categories

Business Immigration Instructions consist of residence class and temporary entry class categories.

Effective 29/11/2010
BA2.1 Residence class categories

See previous instructions:
BA2.1 Effective 10/11/2016
BA2.1 Effective 24/03/2014
BA2.1 Effective 07/12/2015
BA2.1 Effective 29/11/2010

The following business immigration categories are part of residence instructions:

- Entrepreneur Residence Category (see BH)
- Employees of Relocating Businesses Category (see BE)
- Migrant Investment Categories (see BJ)
- Investor 1 Category (see BJ3)
- Investor 2 Category (see BJ4 – BJ5)
- Global Impact permanent resident visa (see BG3)

BA2.1.1 Generic provisions

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

- English language requirements (see BF)
- Fit and proper person requirements (see BM)
- Health and character requirements (see A4 and A5)

Effective 21/11/2016
BA2.5 Temporary class category

See previous instructions:
BA2.5 Effective 24/03/2014
BA2.5 Effective 29/11/2010

The following business immigration categories are part of temporary entry instructions:

- Entrepreneur work visa (see BB)
- Global Impact work visa (see BG2)

Persons who are granted a work visa under these categories will have the opportunity to apply for residence. Such persons will need to meet the relevant residence category requirements applying at the time that their residence class visa application is made. Such residence category requirements may differ from those that applied at the time that the person’s work visa application was made or at the time the work visa was granted.

Note: People who were granted and still hold a visa under the former Long Term Business Visa Category can also apply for residence under the Entrepreneur Residence Visa Category. Such persons will need to meet the relevant residence category requirements applying at the time that their residence class visa application is made.

Effective 21/11/2016
BA2.10 Requirement for business immigration category applicants to participate in an evaluation process

Applicants under all business immigration categories must agree to participate in an evaluation of the category under which they were approved for a period of up to 5 years after approval.

Effective 29/11/2010
BA3 Streamlining

See previous instructions
BA3 Effective 22/08/2016
BA3 Effective 01/07/2013
BA3 Effective 05/04/2011
BA3 Effective 29/11/2010

a. Applications under business immigration instructions will be given priority processing.

b. Applications under business immigration instructions are to be determined only by immigration officers known as business immigration specialists.

c. Despite (b) above, applications under the Investor Category may be determined by immigration officers other than business immigration specialists where this is directed by the General Manager, Visa Services, Immigration New Zealand (INZ).

d. INZ Heads of Operations and Visa Operations Managers will provide liaison services for the business immigration specialists to facilitate contact with applicants and the processing of business immigration applications.

Effective 13/05/2019
BB Entrepreneur Work Visa Category
BB1 Objective

See previous instructions:
BB1 Effective 24/03/2014

The objective of this category is to contribute to economic growth by enabling experienced business people to grow or establish high growth and innovative businesses with export potential in New Zealand.

Effective 06/07/2015
BB2 Special category of work visa
BB2.1 Entrepreneur Work Visas

See previous instructions:
BB2.1 Effective 07/12/2015
BB2.1 Effective 01/11/2015
BB2.1 Effective 25/08/2014
BB2.1 Effective 24/03/2014

a The Entrepreneur Work Visa is a category of temporary entry class visa with conditions that allow self-employment in New Zealand. 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 and one immigration levy 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.

Effective 11/04/2016
BB3 Determining an application for 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 fit and proper person requirements (see BM1); and

k. the applicant meets English language requirements set out in BF1 and BF2; and

l. 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.

Effective 10/11/2016
BB3.5 Requirement for capital investment

See previous instructions:
BB3.5 Effective 08/05/2017
BB3.5 Effective 21/11/2016
BB3.5 Effective 01/11/2015
BB3.5 Effective 25/08/2014
BB3.5 Effective 24/03/2014

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 BB6.1.5).

BB3.5.1 Discretion to waive capital investment requirement

a Only members of the management team of Business Migration 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 (see BB6.1.10).

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.

**BB3.5.15 Funds already held in New Zealand**

Funds held in New Zealand must originally have been transferred:

a to New Zealand through the banking system; and

b from the country or countries in which they were earned or acquired legally, or have been earned or acquired legally in New Zealand.

*Effective 13/05/2019*
BB3.10 Points scale for an Entrepreneur Work Visa

See previous instructions:
BB3.10 Effective 01/11/2015
BB3.10 Effective 27/11/2014
BB3.10 Effective 24/03/2014

a) 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.

b) Applicants must be able to demonstrate to the satisfaction of a business immigration specialist why they should be awarded the points they have claimed.

c) Business immigration specialists must give written reasons for declining the application and not awarding any points claimed.

d) The following table outlines the points that can be awarded for an Entrepreneur Work Visa application:

<table>
<thead>
<tr>
<th>Points for business experience (can be awarded in only one category)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant self-employment</td>
</tr>
<tr>
<td>10 years +</td>
</tr>
<tr>
<td>5 years +</td>
</tr>
<tr>
<td>3 years +</td>
</tr>
<tr>
<td>Other self-employment</td>
</tr>
<tr>
<td>10 years +</td>
</tr>
<tr>
<td>5 years +</td>
</tr>
<tr>
<td>3 years +</td>
</tr>
<tr>
<td>Relevant senior management experience</td>
</tr>
<tr>
<td>10 years +</td>
</tr>
<tr>
<td>5 years +</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Points for benefit to New Zealand (can be awarded in up to two categories)</th>
</tr>
</thead>
<tbody>
<tr>
<td>New full time employment creation</td>
</tr>
<tr>
<td>10+ new full time positions for New Zealand citizens or residents</td>
</tr>
<tr>
<td>5 or more new full time positions for New Zealand citizens or residents</td>
</tr>
<tr>
<td>3 or more new full time positions for New Zealand citizens or residents</td>
</tr>
<tr>
<td>2 new full time positions for New Zealand citizens or residents</td>
</tr>
<tr>
<td>1 new full time position for a New Zealand citizen or resident.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Points for approved export businesses (based on annual turnover)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,000,000 + turnover a year</td>
</tr>
<tr>
<td>$750,000 + turnover a year</td>
</tr>
<tr>
<td>$500,000 + turnover a year</td>
</tr>
<tr>
<td>$400,000 + turnover a year</td>
</tr>
<tr>
<td>$300,000 + turnover a year</td>
</tr>
<tr>
<td>$200,000 + turnover a year</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Points for unique or new products or services to New Zealand</th>
</tr>
</thead>
<tbody>
<tr>
<td>A credible business proposal that provides unique or new products/services to New Zealand, or</td>
</tr>
</tbody>
</table>
to a particular region.

<table>
<thead>
<tr>
<th>Points for capital investment</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,000,000 +</td>
<td>80</td>
</tr>
<tr>
<td>$750,000 +</td>
<td>60</td>
</tr>
<tr>
<td>$500,000 +</td>
<td>50</td>
</tr>
<tr>
<td>$400,000 +</td>
<td>30</td>
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<td>$300,000 +</td>
<td>20</td>
</tr>
<tr>
<td>$200,000 +</td>
<td>10</td>
</tr>
<tr>
<td>under $200,000</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Points for age of prospective applicant (at date of lodging application)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>24 and under</td>
<td>15</td>
</tr>
<tr>
<td>25-29</td>
<td>20</td>
</tr>
<tr>
<td>30-39</td>
<td>20</td>
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<tr>
<td>40-49</td>
<td>20</td>
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<tr>
<td>50-59</td>
<td>10</td>
</tr>
<tr>
<td>60 and over</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bonus points</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Business based outside Auckland as defined in BB6.1.35.</td>
<td>40</td>
</tr>
</tbody>
</table>

**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 is outlined at BB3.5.10.

*Effective 07/12/2015*
BB3.15 Requirements for a business plan

See previous instructions:
BB3.15 Effective 01/11/2015
BB3.15 Effective 06/07/2015
BB3.15 Effective 24/03/2014

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 following three business characteristics identified in the objective of the Entrepreneur Work Visa Category (BB1):
      o high growth
      o innovative, or
      o export potential; 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 business in
New Zealand that either:
  o is high growth; or
  o is innovative; or
  o has export potential; 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 B3.1.

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.

Effective 28/08/2017
BB3.20 Potentially prejudicial information

In accordance with the principles of fairness and natural justice set out in the Administration chapter (see A1), applicants will be given the opportunity to comment before a decision is made on the basis of any potentially prejudicial information (PPI).

BB3.20.1

For the purpose of assessing any application under the Entrepreneur Work Visa category (regardless of where the applicant applies from), PPI is factual information or material that will or may adversely affect the outcome of an application.

Effective 23/12/2019
BB4 Stages of Entrepreneur Work Visas
BB4.1 During the Entrepreneur Start-Up stage

If an application for an Entrepreneur Work Visa has been approved, holders of Entrepreneur Work Visas must establish and commence their proposed business in New Zealand during the first 12 months (the Entrepreneur Start-Up stage).

Effective 24/03/2014
BB4.5 Requirements at the end of the Entrepreneur Start-Up stage

See previous instructions:
BB4.5 Effective 01/11/2015
BB4.5 Effective 24/03/2014

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.

b  A business immigration specialist must also be satisfied the applicant continues to meet the fit and proper person requirements set out at BM1.

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).

Effective 10/11/2016
BB4.10 Grant of further Entrepreneur Work Visas beyond three years

See previous instructions:
BB4.10 Effective 24/03/2014
BB4.10 Effective 24/03/2014

a A further Entrepreneur Work Visa (or Renewal) may be granted beyond the initial 3 year work visa (for periods not exceeding 3 years) where a business immigration specialist is satisfied that there are valid reasons for the principal applicant needing a further Entrepreneur Work Visa to meet the requirements to apply for or be granted residence under the Entrepreneur Residence Visa Category.

b In order to be granted a further Entrepreneur Work Visa, the application must be approved by a business immigration specialist, and the prescribed fee and immigration levy paid.

c Further Entrepreneur Work Visas will be granted only where a business immigration specialist is satisfied that:

i any time in New Zealand has been spent setting up and operating the original business proposal; and

ii any change to the original business proposal was granted by a business immigration specialist in accordance with BB5; and

iii the principal applicant intends to spend the further period in New Zealand either implementing the original business proposed or a business proposal for which a business immigration specialist has given consent; and

iv the principal applicant has, in addition to investment capital, sufficient funds:
   o to finance their business; and
   o for their own maintenance and accommodation and that of any partner or dependent child/ren accompanying them; and

v the principal applicant and any partner or dependent child/ren accompanying them have not drawn on the New Zealand welfare system (see BB2.1.5(c)); and

vi the principal applicant and any partner or dependent child/ren accompanying them meet health and character requirements for residence (see A4 and A5); and

vii the applicant continues to meet fit and proper person requirements set out at BM1.

Note: Applicants can only be granted one further Entrepreneur Work Visa beyond the initial 3 year work visa. If they still wish to run their business beyond the period of the further (or renewed) Entrepreneur Work Visa, they will need to make a new application under the Entrepreneur Work Visa instructions, or any other applicable category, in force when they apply.

Effective 10/11/2016
BB5 Changing a business proposal

See previous instructions:
BB5 Effective 01/11/2015
BB5 Effective 25/08/2014
BB5 Effective 24/03/2014

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; and
   viii the applicant continues to meet the fit and proper person requirements set out at BM1.

c If the request to change a business proposal is refused for reasons set out at BB5(b)(i to vii), 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.

Notes:
- 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).

Effective 10/11/2016
BB6 Definitions
BB6.1 Definitions

See previous instructions:
BB6.1 Effective 01/11/2015
BB6.1 Effective 27/11/2014
BB6.1 Effective 24/03/2014

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 forecasted 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.

Effective 21/11/2016
BE Employees of Relocating Businesses Category
**BE1 Objective**

a. The objective of the Employees of Relocating Businesses Category is to assist in promoting New Zealand as a place in which to invest and locate business.

b. This category facilitates the granting of residence to employees of businesses relocating to New Zealand, who do not qualify for residence under any existing categories.

*Effective 29/11/2010*
BE2 Summary of requirements

The following considerations normally apply, but applications are decided on a case by case basis.

Effective 29/11/2010
BE2.1 Employee of a relocating business

Principal applicants in the Employees of Relocating Businesses Category are required to demonstrate that:

a. they are an employee of a relocating business and that they are a key employee; and

b. the relocation of the business is supported by New Zealand Trade and Enterprise.

Note: An Immigration New Zealand business immigration specialist will consult with New Zealand Trade and Enterprise to determine their support for the relocation of the business (see BE3.1(c)).

Effective 29/11/2010
**BE2.5 Ineligibility for approval under any other category**

A business immigration specialist must be satisfied that the principal applicant in the Employees of Relocating Businesses Category is not eligible for approval under any of the other categories of residence instructions.

*Effective 29/11/2010*
BE2.10 Compliance with employment and immigration law

See previous instructions:
BE2.10 Effective 29/11/2010

a Businesses relocated to 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 rate 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 undertake that work under the Immigration Act 2009.

b Businesses relocated to New Zealand are considered to not be compliant with employment law if they fail to meet the requirements set out at R5.110, or they are included on a list of non-compliant employers maintained by the Labour Inspectorate (see Appendix 10).

Effective 01/04/2017
**BE2.15 English language requirements**

Principal applicants in the Employees of Relocating Businesses category must meet the English language requirements (see BE5.1).

Any partner or dependent children aged 16 years and over who are included in the application must meet a minimum standard of English or, where instructions allow, pre-purchase of ESOL tuition (see BF1.1).

*Effective 29/11/2010*
**BE2.20 Payment of fee and immigration levy**

See previous instructions:

BE2.20 Effective 29/11/2010

Applicants applying under the Employees of Relocating Businesses Category are required to pay the appropriate fee and immigration levy.

**Effective 07/12/2015**
BE3 Evidential requirements
BE3.1 Evidence concerning the relocating business

a The principal applicant must provide a statement from the CEO of the relocating business that:
   i gives the name and location of the business intending to relocate to New Zealand; and
   ii explains why the business is relocating and how that will benefit New Zealand; and
   iii confirms that the business will comply with all relevant employment and immigration law in force
   in New Zealand.

b The principal applicant must provide evidence of the business operation. This may include, but is not
limited to, original or certified copies of the following documents:
   i business registration
   ii company accounts or tax returns
   iii other documents, evidence and information the business immigration specialist considers
   necessary to determine the application.

c The business immigration specialist will consult with New Zealand Trade and Enterprise to determine
their support for the relocation of the business.

BE3.1.1 Criteria for a business benefiting New Zealand

a A business will be considered to benefit New Zealand if a business immigration specialist is satisfied
that 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 (other than for the principal applicant); and

b and the business is trading profitably at the time the application is made or a business immigration
specialist is satisfied that it has the potential to be trading profitably within 12 months after
relocating.

Effective 29/11/2010
BE3.5 Evidence concerning the employee’s role in the relocating business

a The principal applicant must provide a statement from the CEO of the relocating business that:
   i describes the current role of the employee in the business, and the employee’s intended role in 
      the relocated business; and
   ii explains why the employee is reasonably considered to be a key staff member.

b The principal applicant must provide evidence of their role in the relocating business. The evidence 
   may include, but is not limited to, original or certified copies of the following documents:
   i references from employers;
      o on company letterhead; and
      o stating the occupation and dates of employment; and
      o giving the contact phone number and address of the employer
   ii letters of appointment;
   iii certificates of service;
   iv pay slips;
   v job specifications;
   vi tax records;
   vii job assessments;
   viii other documents, evidence and information the business immigration specialist considers 
      necessary to determine the application.

Effective 29/11/2010
BE4 Process

a. The business immigration specialist must be satisfied that documents provided as evidence are genuine and accurate, and they may take any steps they determine necessary to verify such documents and the information they contain.

b. In considering the application, the business immigration specialist should liaise with the appropriate office of New Zealand Trade and Enterprise and may also consult the appropriate INZ branch/es.

c. In assessing the application, the business immigration specialist must check that claims of non-eligibility under other categories of residence instructions are plausible, and that the other criteria set out in instructions are met.

Effective 29/11/2010
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  resident visas may be 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 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  resident visas will be granted subject to conditions under section 49(1) of the Immigration Act 2009.

Effective 07/12/2015
BE5.1 English language requirements

See previous instructions:
BE5.1 Effective 21/11/2016
BE5.1 Effective 25/07/2011
BE5.1 Effective 29/11/2010

BE5.1 English language requirements

a  Principal applicants who lodge applications under the Employees of Relocating Businesses category meet the minimum standards of English for that category if:
   i  they provide acceptable English language test results, as set out at BE5.1.1 (no more than 2 years old at the time the application is lodged); or
   ii they provide evidence that they have an English-speaking background (see BF2.1) which is accepted by a business immigration specialist 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 business immigration specialist may require an applicant to provide an English language test result in terms of paragraph (a)(i). In such cases, the English language test result 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 English language test result under BE5.1(b) is made. If an English language test result is requested, the reason(s) behind the decision must be clearly documented and conveyed to the applicant.
~ The tests recognised by Immigration New Zealand as set out at BE5.1.1 provide an assessment of ability in English, including performance in listening, reading, writing and speaking.

BE5.1.1 Acceptable English language test results

The following English language test results are acceptable:

<table>
<thead>
<tr>
<th>Test</th>
<th>Minimum score required</th>
</tr>
</thead>
<tbody>
<tr>
<td>International English Language Testing System (IELTS) - General or Academic Module</td>
<td>Overall score of 4.0 or more</td>
</tr>
<tr>
<td>Test of English as a Foreign Language Internet-based Test (TOEFL iBT)</td>
<td>Overall score of 31 or more</td>
</tr>
<tr>
<td>Pearson Test of English Academic (PTE Academic)</td>
<td>Overall score of 29 or more</td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>Overall score of 142 or more</td>
</tr>
<tr>
<td>Occupational English Test (OET)</td>
<td>Grade D or higher in all four skills (Listening, Reading, Writing and Speaking)*</td>
</tr>
</tbody>
</table>
* A score of Grade D or higher in all four skills is required for the OET as there is no overall grade for this test.

**Effective: 21/05/2018**
BE5.5 Failure of a business to relocate to New Zealand

Applications for a resident visa must be declined if principal applicants do not present acceptable evidence that the business has relocated to New Zealand within 24 months from the date of approval in principle.

Effective 29/11/2010
BE5.10 Temporary visa to arrange business relocation

a  After approval in principle, a work visa may be granted (once an application has been lodged) to allow the principal applicant to arrange the business relocation to New Zealand.

b  The work visa will be current for 24 months after approval in principle has been given and be granted with travel conditions allowing multiple journeys.

c  Visitor visas for the same period may be granted (once an application has been lodged) to the principal applicant's partner and dependants (see E4.1.10).

d  Student visas for the same period may be granted (once an application is lodged) to those of the principal applicant's dependants who wish to study, in accordance with current student instructions.

Effective 29/11/2010
**BE6 Resident visas**

Resident visas granted under this category will be subject to a travel condition requiring first entry to New Zealand within 12 months of the grant of the visa.

*Effective 29/11/2010*
BE6.1 Resident visas subject to conditions

See also Immigration Act 2009 s 49(1)

a  Under the Employees of Relocating Businesses Category, a resident visa is granted to a principal applicant and accompanying partner and dependent children subject to conditions under section 49(1) of the Immigration Act.

b The Employees of Relocating Businesses Category conditions that may be imposed by letter on the resident visas are:

   i  that, the visa holder is employed in the relocated business for the 24 months following the relocation of the business; and

   ii that, if the visa holder is in a position to ensure that the relocating business complies with all relevant employment and immigration law in New Zealand, the business has done so; and

   iii that, the visa holder informs the nearest branch of the INZ of any changes of New Zealand address during the 24 month employment period; and

   iv that, within 3 months after the expiry of the 24 month employment period the visa holder must submit suitable evidence that conditions (i) to (ii) have been met.

c If a principal applicant is granted a resident visa subject to conditions, the resident visa of any accompanying partner and dependent children must be subject to the same conditions.

d For further information about the implications of visas subject to conditions, see RA8.

BE6.1.1 Imposing conditions

Principal applicants are advised of any condition imposed in a letter that states:

a  the conditions; and

b  that failure to comply with the conditions may result in the visa holder becoming liable for deportation under section 159 of the Immigration Act 2009; and

c  that the conditions will apply to the resident visa for the 24-month period following their first entry to New Zealand as a resident.

BE6.1.5 Reminder from INZ to provide evidence that conditions have been met

Three months before the expiry of the 24-month employment period the INZ will write to the principal applicant requesting that evidence of conditions being met be provided within 3 months after the expiry of the 24-month employment period.

Effective 29/11/2010
BE6.5 Cancellation of conditions when conditions are met

a To allow the conditions imposed under BE6.1.1 above to be cancelled, the visa holder must provide satisfactory evidence that:
   i they have taken up residence in New Zealand; and
   ii they have been an employee in New Zealand of the relocated business for 24 months; and

b if the visa holder has been in a position to ensure that the relocating business complied with all relevant employment and immigration law in New Zealand, the business immigration specialist may also request evidence of the business' compliance with these requirements.

   Effective 29/11/2010
BE7 After the two-year employment period has expired
**BE7.1 Compliance with conditions**

When the applicant has satisfied a business immigration specialist that the applicant has met the conditions of the two-year employment investment period in full, the business immigration specialist will cancel the conditions on the visa.

*Effective 29/11/2010*
**BE7.5 Non-compliance with conditions**

If the conditions have not been complied with, the resident visa holder may become liable for deportation under section 159 of the Immigration Act 2009.

*Effective 29/11/2010*
BF English language requirements
BF1 Principal applicants

Previous policy:
BF1 Effective 29/11/2010

a Principal applicants under the Entrepreneur Work Visa Category, Investor, Entrepreneur Residence Visa, Employees of Relocating Businesses, General (Active) Investor, Professional Investor, and Investor 2 categories must meet a minimum standard of English (as specified in BF2) to ensure their English language ability is sufficient to assist them to successfully settle in New Zealand.

b Applications under all Business Immigration categories must be declined if the principal applicant has not met the minimum standard of English.

Effective 24/03/2014
BF1.1 Partners and dependent children

Previous policy:
BF1.1 Effective 29/11/2010

a Partners and dependent children aged 16 years and over, who are included in applications under the Entrepreneur Residence Visa, Investor, Employees of Relocating Businesses, General (Active) Investor, Professional Investor, or the Investor 2 categories may either:
   i show they meet the minimum standard of English (as specified at BF2); or
   ii pre-purchase ESOL training.

Effective 24/03/2014
**BF2 Minimum standards of English**

Previous policy:
BF2 Effective 29/11/2010

a  Unless instructions specify otherwise, principal applicants who lodge applications under any business immigration category, meet the minimum standard of English if:

i  they provide acceptable English language test results, as set out at BF2.20 (no more than 2 years old at the time the application is lodged) or

ii  they provide evidence that they have an English-speaking background (see BF2.1) which is accepted by a business immigration specialist 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 business immigration specialist may require an applicant to provide an English language test result in terms of paragraph (a)(i). In such cases, the English language test result will be used to determine whether the applicant meets the minimum standard of English.

**Note:** The tests recognised by Immigration New Zealand as set out at BF2.20 provide an assessment of ability in English, including performance in listening, reading, writing and speaking.

Effective 21/11/2016
**BF2.1 Evidence of an English-speaking background**

See previous instructions:

**BF2.1 Effective 29/11/2010**

Evidence of an English-speaking background is documentation showing:

a. completion of all primary education and at least 3 years of secondary education (that is, the equivalent of New Zealand Forms 3 to 5 or years 9 to 11) at schools using English as the language of instruction; or

b. completion of at least 5 years of secondary education (that is, the equivalent of New Zealand Forms 3 to 7 or years 9 to 13) at schools using English as the language of instruction; or

c. completion of a course of at least 3 years' duration leading to the award of a tertiary qualification at institutions using English as the language of instruction; or

d. that the applicant holds General Certificate of Education (GCE) 'A' Levels from Britain or Singapore with a minimum C pass (the passes must specifically include the subjects English Language or Literature, or Use of English); or

e. that the applicant holds an International Baccalaureate – full Diploma in English Medium; or

f. that the applicant holds a Cambridge Certificate of Proficiency in English – minimum C pass; or

g. that the applicant holds Hong Kong Advanced Level Examinations (HKALE) including a minimum C pass in Use of English; or

h. that the applicant holds STPM 920 (Malaysia) – A or B pass in English Literature; or

i. that the applicant holds University of Cambridge in collaboration with University of Malaya, General Certificate of English (GCE) "A" levels with a minimum C pass. The passes must specifically include the subjects English or General Paper; or

j. that the applicant holds a South African Matriculation Certificate, including a minimum D pass in English (Higher Grade); or

k. that the applicant holds a South African Senior Certificate, including a minimum D pass in English (Higher Grade), endorsed with the words "matriculation exempt"; or

l. that the applicant holds a New Zealand Tertiary Entrance Qualification gained on completion of the seventh form.

**Effective 06/07/2015**
BF2.5 Circumstances that may indicate a person otherwise meets the minimum standard of English

Circumstances that may indicate an applicant meets the minimum standard of English may include but are not limited to:

- the country in which the applicant currently resides;
- the country(ies) in which the applicant has previously resided;
- the duration of residence in each country;
- whether the applicant speaks any language other than English;
- whether members of the applicant's family speak English;
- whether members of the applicant’s family speak any language other than English;
- the nature of the applicant's current or previous employment (if any) and whether it required or was likely to have required skill in English language;
- the nature of the applicant's qualifications (if any) and whether the obtaining of those qualifications was likely to have required skill in English language.

Effective 29/11/2010
**BF2.10 Employment in New Zealand**

An applicant is also considered to have an English-speaking background if:

a. they have been lawfully employed full-time in an occupation in New Zealand for a minimum of 12 months; and

b. English was the language of employment.

'Employment' in the context of English language requirements does not include self-employment.

*Effective 29/11/2010*
BF2.15 Evidence of employment in New Zealand

See previous instructions:
BF2.15 Effective 29/11/2010

a  Evidence of full-time employment in New Zealand for a minimum of 12 months is:
   i  references from employers on company letterhead, which state the occupation and dates of
   employment and the contact phone number and an address of the employer; or
   ii  an employment contract with confirmation from the employer that the applicant is still employed.

b  Evidence that English was the language of employment is a written statement from the employer that
   English was the primary language of employment.

   Effective 06/07/2015
BF2.20 Acceptable English language test results

The following English language test results are acceptable:

<table>
<thead>
<tr>
<th>Test</th>
<th>Minimum score required</th>
</tr>
</thead>
<tbody>
<tr>
<td>International English Language Testing System (IELTS) - General or</td>
<td>Overall score of 4.0 or more</td>
</tr>
<tr>
<td>Academic Module</td>
<td></td>
</tr>
<tr>
<td>Test of English as a Foreign Language Internet-based Test (TOEFL iBT)</td>
<td>Overall score of 31 or more</td>
</tr>
<tr>
<td>Pearson Test of English Academic (PTE Academic)</td>
<td>Overall score of 29 or more</td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English:</td>
<td>Overall score of 142 or more</td>
</tr>
<tr>
<td>First (FCE)) or B2 First for Schools (First Certificate in English)</td>
<td></td>
</tr>
<tr>
<td>(formerly Cambridge English: First (FCE) for Schools)</td>
<td></td>
</tr>
<tr>
<td>Occupational English Test (OET)</td>
<td>Grade D or higher in all four skills (Listening, Reading, Writing and Speaking)*</td>
</tr>
</tbody>
</table>

* A score of Grade D or higher in all four skills is required for the OET as there is no overall grade for this test.

Effective 21/05/2018
BF3 Pre-purchase of English for speakers of other languages (ESOL) tuition

a  Non-principal applicants who pre-purchase ESOL tuition, instead of meeting the minimum standard of English, must pre-purchase ESOL tuition from the Tertiary Education Commission (TEC) by paying the required charge to INZ (which collects this charge on behalf of the TEC). (See BF3.15.)

b  Before a resident visa is granted, applicants must pay any ESOL tuition charge due.

Effective 29/11/2010
BF3.1 TEC to arrange ESOL tuition

a  The applicant is entitled to tuition to the value of the ESOL entitlement component of the ESOL tuition charge. This does not include INZ and TEC administration costs.

b  The TEC advises the applicant of the list of suitable ESOL tuition providers in New Zealand, from which the applicant may nominate one of their own choice.

c  The TEC will manage the contract between the ESOL tuition provider and the applicant.

d  The applicant must advise the TEC of their New Zealand address.

Effective 29/11/2010
BF3.5 Applicant’s agreement with TEC

a Each applicant who pre-purchases ESOL tuition must sign an agreement with TEC by which they agree, among other things, that they understand the rules for taking up ESOL tuition in New Zealand and the refund provisions.

b The content of the agreement is determined by INZ and the TEC.

c Included with the agreement is a schedule that sets out the personal details of the applicant and the amount of tuition to be purchased.

Effective 29/11/2010
BF3.10 Completion of agreement

See previous instructions BF3.10 Effective 29/11/2010

a When an application for a resident visa is approved in principle, applicants will be given two copies of the agreement to complete for each person in the application undertaking the English language training.

b After completion of the agreement, one copy is retained by the applicant, and the other copy is returned to the INZ processing office with the tuition fee(s).

c If the agreement is not signed and returned to INZ within the time specified by INZ, the resident visa application must be declined.

d The INZ copy of the agreement should be sent to the TEC.

Effective: 07/11/2011
BF3.15 The amount of ESOL tuition to be pre-purchased by non-principal applicants

See previous instructions:
BF3.15 Effective 28/08/2017
BF3.15 Effective 21/11/2016
BF3.15 Effective 26/11/2012
BF3.15 Effective 29/11/2010

The amount of ESOL tuition to be pre-purchased is determined by the applicant’s English language test results according to the following table.

<table>
<thead>
<tr>
<th>Test</th>
<th>Overall score</th>
<th>Charge to be paid</th>
<th>ESOL entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>International English Language Testing System (IELTS) - General or Academic Module</td>
<td>4.5 or more but less than 5.0</td>
<td>NZ$1,735</td>
<td>NZ$1,531.82</td>
</tr>
<tr>
<td>Test of English as a Foreign Language Internet-based Test (TOEFL iBT)</td>
<td>32 to 34</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pearson Test of English Academic (PTE Academic)</td>
<td>30 to 35</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>147 to 153</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>142 to 146</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Occupational English Test (OET)</td>
<td>Grade C in all four skills (Listening, Reading, Writing and Speaking)*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IELTS - General or Academic Module</td>
<td>4.0 or more, but less than 4.5</td>
<td>NZ$3,420</td>
<td>NZ$3,063.64</td>
</tr>
<tr>
<td>TOEFL iBT</td>
<td>31</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PTE Academic</td>
<td>29</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>142 to 146</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OET</td>
<td>Grade D in all four skills (Listening, Reading, Writing and Speaking)*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IELTS - General or Academic</td>
<td>3.5 or more, but less</td>
<td>NZ$5,110</td>
<td>NZ$4,600.00</td>
</tr>
<tr>
<td>Module</td>
<td>than 4.0</td>
<td>Less than 3.5</td>
<td>NZ$6,795</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>---------------------</td>
<td>---------------</td>
<td>----------</td>
</tr>
<tr>
<td>IELTS - General or Academic Module</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOEFL iBT</td>
<td></td>
<td>Less than 31</td>
<td></td>
</tr>
<tr>
<td>PTE Academic</td>
<td></td>
<td>Less than 29</td>
<td></td>
</tr>
<tr>
<td>B2 First (First Certificate in English)</td>
<td></td>
<td>Less than 142</td>
<td></td>
</tr>
<tr>
<td>or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OET</td>
<td>Failed to achieve at least Grade D in all four skills (Listening, Reading, Writing and Speaking)*</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* A score in all four skills is required for the OET as there is no overall grade for this test

**Note:** No ESOL tuition is required to be pre-purchased if the applicant meets the English language requirements for the category they are applying under.

b The charge includes the applicant’s ESOL tuition entitlement, as well as the INZ and TEC administration costs.

c If an applicant has not submitted an English language test result when requested, the maximum charge of NZ$6,795 applies.

Effective 21/05/2018
BF3.20 Failure to pre-purchase ESOL tuition

Any ESOL tuition charge due must be paid before the grant of a resident visa. If it is not paid to INZ within the specified time, the resident visa application must be declined.

Effective 29/11/2010
BF3.25 Limited period to use ESOL tuition

a If ESOL tuition is purchased the applicant must complete the tuition within 5 years from the date of payment.

b ESOL tuition will not be available without further payment, nor will refunds be given, to applicants who do not take up ESOL tuition within the time limits specified in paragraph (a).

Effective 29/11/2010
BF3.27 Extension of period to complete ESOL tuition

a  Applicants who have pre-purchased ESOL tuition:
   i  in New Zealand on or after 31 March 2005 and prior to 31 March 2008; or
   ii outside New Zealand on or after 31 September 2004 and prior to 31 March 2008
      will have up to 5 years from the date of payment to complete the tuition.

Effective 29/11/2010
BF3.30 Refunds of ESOL tuition money

a If ESOL tuition money is paid but the principal applicant and partner and dependent children do not take up residence, a refund may be granted upon request to INZ. The request must be made in writing.

b Requests made more than 6 months after the expiry date of any unused resident visa must be declined.

c Business immigration specialists considering requests for refunds must be satisfied that the principal applicant and partner and dependent children included in the application have not been granted entry permission to New Zealand as holders of resident visas.

d The person who paid the fee will be refunded only the ESOL entitlement. INZ and TEC administration costs will not be refunded.

Effective 29/11/2010
BG Global Impact Visa Categories
The objective of the Global Impact Visa programme is to attract talented innovative entrepreneurs, investors and start-up teams who have the drive and capabilities to create and support innovation-based ventures in New Zealand.

Effective 21/11/2016
BG1.5 Overview

a The Global Impact Visa pilot is a partnership between Immigration New Zealand and a private sector partner.

**Note:** Immigration New Zealand has contracted the Edmund Hillary Fellowship (the provider) as the private sector partner for the duration of the pilot.

b The Global Impact Visa programme is operating as a pilot for four years between 2017 and 2021.

c During the four year pilot, up to 400 Global impact work visas may be granted.

d The Global Impact Visa programme operates in the following way:

i The provider identifies and selects candidates who meet the objective of the programme.

ii Selected candidates may apply for a Global Impact work visa with the support of the provider.

iii Immigration New Zealand assesses applicants against immigration instructions and if all criteria are met, grants 36 month work visa to participate in the programme.

iv The provider supports programme participants in innovation-based ventures in New Zealand during the 36 month work visa duration.

v After 30 months, programme participants may apply for a Global Impact permanent resident visa with the support of the provider.

e The Global Impact work visa is a work-to-residence visa and the Global Impact permanent resident visa is a residence-from-work visa.

f The provider will deliver and manage the programme, including:

i Attracting candidates from around the world.

ii Identifying the best candidates for the programme.

iii Integrating and supporting selected participants into business, innovation and entrepreneurship ecosystems throughout New Zealand.

**Note:** Selection as a candidate by the provider does not guarantee the grant of a visa. Immigration New Zealand is responsible for processing and making decisions on visas and may decline any application for a visa that fails to meet all relevant immigration instructions.

*Effective 21/11/2016*
BG2 Global Impact work visa
BG2.1 Summary of requirements for the grant of a Global Impact work visa

Applications for the Global Impact work visa may be approved if:

a  the principal applicant has been selected by the provider; and
b  the provider agrees to support the applicant in the Global Impact Visa programme for the duration of
the visa; and
c  a business immigration specialist is satisfied the applicant:
   i  meets English language requirements (see BG2.1.5); and
   ii  has sufficient maintenance funds (see BG2.1.10); and
   iii  meets the health and character requirements for Residence set out at A4 and A5; and
   iv  meets fit and proper person (BM1) requirements; and
   v  if an investor, intends to use investment funds that were acquired lawfully, as set out in BG2.10.15.
d  a business immigration specialist is satisfied the applicant or their proposed activities in New Zealand
do not constitute an unacceptable risk to the integrity of New Zealand’s immigration or employment
laws or policies.

Note: Where an applicant’s circumstances change significantly between the time they are selected by the
provider and the work visa is assessed, or where new information comes to light, Immigration New Zealand
may verify that the provider still agrees to support the applicant in the programme.

BG2.1.5 English language requirements

a  Applicants for a Global Impact work visa must meet the same minimum standard of English language
   for principal applicants under the Skilled Migrant Category (SM4.5).
b  Applicants may provide evidence of meeting the English language standard by providing:
   i  acceptable English language test results, as set out at SM4.5.5 (no more than 2 years old at the
time the application is lodged); or
   ii  other evidence of English language ability as set out in SM4.5; or
   iii  confirmation from the provider that they meet the minimum standard of English.

BG2.1.10 Maintenance funds requirements

a  Applicants must have access to the equivalent of NZ$36,000 to support themselves and their family
   for their first year in New Zealand.
b  Evidence of access to maintenance funds may include, but is not limited to:
   i  bank statements in the name of the principal applicant or their partner; or
   ii  an ongoing source of income; or
   iii  a job offer for either the principal applicant or their partner with an annual salary of at least
       $36,000; or
   iv  a scholarship valued at $36,000 or more for the first year.

BG2.1.15 Investment funds requirements

a  Applicants who were selected by the provider on the basis of an investor profile must provide
evidence that investment funds and/or assets were earned or acquired legally, including funds and/or
assets that were gifted to them unconditionally and in accordance with local law.
b Where investment funds and/or assets were gifted to the principal applicant a business immigration specialist must be satisfied that the gifted funds and/or assets were earned lawfully by the person/s gifting the funds and/or assets.

c 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 criminal law of New Zealand.

Effective 28/08/2017
BG2.5 Fees

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 4A, schedule 4

The Global Impact work visa is a work-to-residence work visa.

Effective 21/11/2016
BG2.10 Global Impact work visa applications based on team ventures

a Applications who have been selected by the provider on the basis of being part of a founding or start-up team must make separate work visa applications. Each approved visa application counts toward the 400 place limit.

b If one or more members of a team are unable to take part in the programme for any reason, the viability of the team’s proposed venture could be adversely affected. In this circumstance a business immigration specialist will verify that the provider continues to support the entry of the remaining team members into the programme (see BG2.1 note)

Effective 21/11/2016
**BG2.15 Currency and conditions of Global Impact work visas**

See previous instructions:

BG2.15 Effective 21/11/2016

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a  Successful applicants for a Global Impact work visa will be granted a work visa allowing:

i  36 months stay and multiple entry travel conditions, if the applicant is in New Zealand; or

ii three months to enter New Zealand, 36 months stay and multiple travel conditions to be granted on arrival, if the applicant is outside New Zealand.

b  Global Impact work visas will be granted with the following conditions:

i  the holder may work in any employment, including self-employment, in any location in New Zealand; and

ii  the holder must retain the support of the provider throughout the duration of their visa.

**Effective 21/11/2016**
BG3 Global Impact permanent resident visa
BG3.1 Requirements for the grant of a permanent resident visa

The holder of a visa granted under the Global Impact work visa instructions may be granted a permanent resident visa if they:

a. have held a Global Impact work visa for a period of at least 30 months; and

b. have complied with the conditions of that visa; and

c. have confirmation from the provider that they will be supported by the provider for any remaining duration of the Global Impact visa programme; and

d. meet health and character requirements (see A4 and A5); and

e. continue to meet ‘fit and proper’ person requirements (see BM1); and

f. have not, at any time since the grant of their visa, applied for, or been granted welfare assistance under the Social Security Act 1964.

Effective 21/11/2016
BG3.5 Fees

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 4A, schedule 4

The Global Impact permanent resident visa is a residence-from-work visa.

Effective 21/11/2016
BH Entrepreneur Residence Visa Category
BH1 Objective

See previous instructions:
BH1 Effective 29/11/2010

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

Effective 24/03/2014
BH2 Summary of requirements
BH2.1 Successful establishment and operation of a business that benefits New Zealand significantly

See previous instructions:
BH2.1 Effective 10/11/2016
BH2.1 Effective 01/11/2015
BH2.1 Effective 24/03/2014
BH2.1 Effective 14/05/2013
BH2.1 Effective 29/11/2010

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

a  demonstrate that 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 BH2.1.5; and

b  demonstrate that the business is benefiting New Zealand significantly (see BH4.10); and

c  demonstrate that the business complies with employment and immigration law (see BH2.5); and

d  demonstrate that the same or greater amount of capital (see BB3.5.10) has been invested in the business as outlined in the business plan; and

e  meet the fit and proper person requirements set out at BM1.

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.
   iii If they have not done so previously, the principal applicant must provide evidence the investment capital, as stated in the business plan, has been transferred directly from the holder’s bank
account(s) through the banking system to New Zealand.

Effective 21/11/2016
BH2.5 Compliance with employment and immigration law

See previous instructions:
BH2.5 Effective 25/08/2014
BH2.5 Effective 29/11/2010

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 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 undertake that work under the Immigration Act 2009.

b Despite BH2.5 (a) above, and except in cases where BH2.5(d) applies, 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 WorkSafe New Zealand, the Labour Inspectorate and other sections of the Ministry of Business, Innovation and Employment, and/or the Accident Compensation Corporation.

d The business established is considered to not be compliant with employment law if it fails to meet the requirements set out at R5.110, or if it is included on a list of non-compliant employers maintained by the Labour Inspectorate (see Appendix 10).

Effective 01/04/2017
BH2.10 English language requirements

See previous instructions:
BH2.10 Effective 29/11/2010

a. Principal applicants in the Entrepreneur Residence Visa Category must meet the minimum standard of English (see BF2).

b. Any partner or dependent children aged 16 years and over who are included in the application must meet a minimum standard of English (see BF2) or, where instructions allow, pre-purchase of ESOL tuition (see BF1.1).

Effective 24/03/2014
BH2.15 Health and character requirement

Principal applicants and partners and/or dependent children included in the application must meet health and character requirements (see A4 and A5).  

Effective 29/11/2010
BH2.20 Payment of fee and immigration levy

See previous instructions:
BH2.20 Effective 24/03/2014
BH2.20 Effective 29/11/2010

Applicants applying under the Entrepreneur Residence Visa Category are required to pay the appropriate fee and immigration levy.

Effective 07/12/2015
BH2.25 Applicants must not have accessed welfare assistance

Applications under the Entrepreneur Residence Visa Category will also be declined if the principal applicant and any partner or dependent child/ren applied for and was granted welfare assistance under the Social Security Act 1964 while in New Zealand during the currency of their temporary visas.

Effective 24/03/2014
BH3 Relationship to Long Term Business Category
BH3.1 Consistency with business proposal under the Entrepreneur Work Visa Category

See previous instructions:
BH3.1 Effective 24/03/2014
BH3.1 Effective 29/11/2010

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.

Effective 01/11/2015
BH3.5 Consistency with business proposal under the Long Term Business Category (to 24 March 2014)

See previous instructions:
BH3.5 Effective 08/04/2013
BH3.5 Effective 29/11/2010

Note: The instructions contained in this section cease to be effective from 24 March 2014.
BH3.10 Direct applications under Entrepreneur category (to 24/03/2014)

See previous instructions:
BH3.10 Effective 29/11/2010

**Note:** The instructions contained in this section cease to be effective from 24 March 2014.
BH4 Successful establishment of a business in New Zealand
BH4.1 Criteria for successfully establishing a business in New Zealand

See previous instructions:
BH4.1 Effective 29/11/2010

A principal applicant will be considered to have successfully established a business in New Zealand if they have established or purchased, or made a substantial investment in a business operating in New Zealand; and

a. has been self-employed in New Zealand in that business for at least 2 years if applying under BH2.1(a)(i); or

b. has been self-employed in their business for at least six months, if applying under BH2.1(a)(ii).

Effective 24/03/2014
BH4.5 Definitions

Please refer to section BB6 for definitions of terms for the purposes of the Entrepreneur Work Visa Category (BB) and the Entrepreneur Residence Visa Category (BH).

Effective 24/03/2014
BH4.10 Criteria for a business benefitting New Zealand

See previous instructions:
BH4.10 Effective 08/04/2013

a A business is considered to add significant benefit to New Zealand if it can demonstrate that it has promoted 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 significantly expanding existing, export markets; or
   iv creating sustained and ongoing full time employment for one or more New Zealand citizens or residents; or
   v the revitalisation of an existing New Zealand business that has led to significantly increased financial performance; or
   vi introducing productivity-enhancing spillover benefits or increased capacity utilisation (such as significant net new job creation); 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 For definitions of “new products or services” and “trading profitably” please refer to the Definitions section at BB6.

Effective 24/03/2014
BH5 Evidential requirements for entrepreneurs
BH5.1 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.

b Evidence that the principal applicant has established a business in New Zealand may include, but is not limited to:
   i a certificate of incorporation
   ii audited accounts
   iii GST records
   iv other tax records

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

Effective 29/11/2010
BH5.5 Evidence that the business is benefiting New Zealand

a  Evidence that the principal applicant's business is benefiting New Zealand may include, but is not limited to:
   i  audited accounts
   ii  tax records
   iii  export/import documentation, such as letters of credit
   iv  employment records.

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

Effective 29/11/2010
BH5.10 Evidence of compliance with relevant employment and immigration law

A business immigration specialist may request evidence that the principal applicant has complied with all relevant employment and immigration law in New Zealand.

Effective 29/11/2010
BH7 Approval in principle
BH7.1 General rules for approval in principle

See previous instructions:
BH7.1 Effective 29/11/2010

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

a. their application has been approved in principle; and

b. resident visas may be granted once the principal applicant submits evidence that they and any partner or dependent children aged 16 or over meet the English language requirements (see BF); and

c. applications for a resident visa 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.

BH7.1.1 Approval in principle for applicants under BH2.1(a)(ii)

Principal applicants who meet the criteria under BH2.1(a)(ii) will also be advised (in addition to the requirements as set out at BH7.1) that their resident visas will be granted subject to conditions under section 49(1) of the Immigration Act 2009.

Effective 07/12/2015
BH7.5 Failure to meet approval in principle requirements (to 24/03/2014)

See previous instructions:
BH7.5 Effective 29/11/2010

Note: The instructions contained in this section cease to be effective from 24 March 2014.

Effective 24/03/2014
BH7.10 Resident visas that are subject to conditions

See also Immigration Act 2009 s 49

a All resident visas granted under the Entrepreneur Residence Visa Category under BH2.1(a)(ii) are subject to the following conditions (imposed under section 49(1) of the Immigration Act 2009):

i the principal applicant must be self-employed in the business for a minimum of two years (including the time spent operating the business while holding an Entrepreneur Work Visa); and

ii the principal applicant must retain the investment and maintain the new full time jobs created in the business, employing people under these conditions for a minimum of two years (including the time spent operating the business while holding an Entrepreneur Work Visa); and

iii the principal applicant must inform the nearest branch of INZ of any changes of their New Zealand address during the period that the conditions have been imposed on their resident visa.

b Any accompanying partner and dependent child/ren of a principal applicant granted a resident visa will be subject to the condition that the principal applicant complies with the conditions of their visa.

BH7.10.1 Informing resident visa holders of conditions

Principal applicants will be advised of the conditions in a letter that states:

a the conditions their resident visa is subject to;

b what they need to do in order to have these conditions lifted, and in what time frame; and

c that failure to comply with the conditions may result in the visa holder becoming liable for deportation under section 159 of the Immigration Act 2009.

BH7.10.5 Reminder from INZ to provide evidence of conditions being met

a INZ will attempt to contact the principal applicant three months before the end of the conditions period requesting evidence that conditions are being met.

b Evidence that the principal applicant has met and complied with the conditions of their visa must be provided no later than three months after their conditions are due to be lifted (see BH7.10.1).

BH7.10.10 Evidence of meeting conditions

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 an Entrepreneur Work Visa); and

ii retained the investment and maintained the created three new 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 an Entrepreneur Work Visa).

b Notwithstanding BH7.10(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 (e.g. unforeseen economic conditions) and, if satisfied that this was the case, may consider the conditions met.

c Suitable evidence to prove that the principal applicant has met the conditions must be produced by a reliable agency or professional (for example, a solicitor or chartered accountant) who is independent both of the business and the applicant’s immigration adviser or lawyer.

d Suitable evidence 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).

BH7.10.15 Compliance with conditions
When the principal applicant under this category satisfies a business immigration specialist that the conditions imposed on their resident visa under section 49(1) have been met or complied with, those conditions will be cancelled and the business immigration specialist will advise the applicant in writing.

BH7.10.20 Non-compliance with conditions
If the conditions have not been complied with, the resident visa holder may become liable for deportation under section 159 of the Immigration Act 2009.

Effective 24/03/2014
BH8 Temporary visa to allow processing of an Entrepreneur Residence Visa application

a  Upon application, principal applicants under Entrepreneur Residence Visa Category instructions may be granted a multiple entry Specific Purpose or Event work visa valid for 9 months (see WS2) if:
   i  they hold a valid Entrepreneur Work Visa or Long Term Business Visa; and
   ii their application for a residence class visa under the Entrepreneur Residence Visa Category instructions is under assessment by Immigration New Zealand; and
   iii they are applying for a Specific Purpose or Event visa to continue to operate the business identified in their business proposal or subsequently modified with the consent of a business immigration specialist.

The Specific Purpose or Event work visa will specify the same work conditions as the applicant’s existing Entrepreneur Work Visa or Long Term Business Visa.

Effective 11/04/2016
BJ Migrant Investment Categories
BJ1 Objective
The objective of the Migrant Investment Categories is to attract financial capital to local firms or government by providing resident visas to those who wish to make a significant contribution to New Zealand's economy.

Effective 29/11/2010
BJ2 Overview

The Migrant Investment Categories are comprised of two sub-categories. These are the Investor 1 Category and the Investor 2 Category.

Effective 29/11/2010
BJ2.1 Investor 1 Category

See previous instructions:
BJ2.1 Effective 29/11/2010

To be approved under this category a principal applicant must:

a  meet requirements for health and character; and

b  invest NZ$10 million in New Zealand in an acceptable investment for a three year period.

Effective 22/05/2017
**BJ2.5 Investor 2 Category**

See previous instructions:
BJ2.5 Effective 27/11/2014
BJ2.5 Effective 29/11/2010

a A person who is interested in applying for a resident visa under the Investor 2 Category may complete an Expression of Interest (EOI) form in the prescribed manner.

**Note:** Applications can be made under Investor 1 Category without the need to submit an EOI or be invited to apply.

b EOI s that meet prerequisites for health, character, English language, age, business experience and investment funds, and have a minimum point score of 20, are entered into the Investor 2 Category EOI Pool (see BJ4.10).

c EOI s in the Investor 2 Category EOI Pool are selected from that Pool periodically on the Government’s behalf by the Ministry of Business, Innovation and Employment.

d Points for age, business experience, English language ability and investment funds, including bonus points for growth investments, are claimed by a person expressing interest in accordance with the requirements set out in the Investor 2 Category (see BJ4).

**BJ2.5.5 Selection of Expressions of Interest and Invitations to Apply**

a EOI s will be ranked in order of points and those that score highest may be periodically selected from the Pool, according to their points ranking, in quantities sufficient to fulfil the annual approval cap stipulated at BJ2.10.

b Entry into the Pool does not guarantee that an EOI will be selected for consideration or that an Invitation to Apply will be issued.

c A selected EOI may result in an Invitation to Apply (ITA) for a resident visa under the Investor 2 Category, subject to:

i an assessment of the credibility of the information provided in the EOI; and

ii whether the EOI indicates the presence of any health or character issues that may adversely affect the ability of the person expressing interest to be granted a resident visa under the Investor 2 Category; and

iii whether the EOI indicates that the person expressing interest will not meet the Investor 2 Category criteria.

d Only a person with an ITA may apply for a resident visa under the Investor 2 Category.

**BJ2.5.10 Assessing residence applications**

a The issue of an ITA does not guarantee that a resident visa will be granted.

b If a person is invited to apply, information provided in the EOI, and any further evidence, information and submissions will form the basis for determination of a subsequent application for a resident visa under the Investor 2 Category.

c Applications for a resident visa resulting from an ITA must include:

i information and evidence to support the claims made in the EOI; and

ii information concerning any relevant fact (including any material change in circumstances that occurs after the EOI was submitted) if that fact or change in circumstances could affect the decision on the application. Such a relevant fact or change in circumstances may relate to the principal applicant or another person included in the application, and may relate to any matter relevant to the Investor 2 Category.

d To be approved under the Investor 2 Category, a principal applicant must:
i meet requirements for health and character (see A4 and A5); and

ii qualify for the points for English language, age, business experience and nominated investment funds on the basis of which their EOI was selected from the Pool; and

iii invest a minimum of NZ$3.0 million in New Zealand.

Effective 22/05/2017
BJ2.10 Applications available under the Investor 2 Category

See previous instructions:
BJ2.15 Effective 29/11/2010

a. Up to 400 applications can be approved annually under the Investor 2 Category. These sit within the total number of places available under the Skilled/Business stream of the New Zealand Residence Programme (NZRP).

b. The Minister of Immigration may review and adjust the number of applications that can be approved periodically, provided the adjustment is within the NZRP.

Effective 22/05/2017
BJ2.15 Approval in principle

See previous instructions:
BJ2.20 Effective 29/11/2010

Under both of the Migrant Investment Categories where an application is approved in principle the principal applicant will be required to provide acceptable evidence of having transferred and invested the nominated funds in accordance with the relevant requirements of the category under which they have applied, before a resident visa is granted.

Effective 22/05/2017
BJ2.20 Resident visas granted with conditions

See previous instructions:
BJ2.25 Effective 21/11/2016
BJ2.25 Effective 29/11/2010

See also Immigration Act 2009 s 49

a Under the Migrant Investment Categories, a resident visa is granted to a principal applicant and accompanying partner and dependent children subject to conditions under section 49(1) of the Immigration Act 2009. All resident visas granted in accordance with these instructions must specify that the visa will be subject to the following conditions under section 49(1).

b The conditions of the Migrant Investor Categories are that:
   i the principal applicant retains an acceptable investment in New Zealand for a minimum of three years (Investor 1 Category) or four years (Investor 2 Category) and spends a minimum period of time in New Zealand during the required investment period (see BJ9); and
   ii the principal applicant informs the nearest office of INZ of any changes of New Zealand address during the required investment period; and
   iii a principal applicant who was awarded 1 point for English language ability (see BJ5.35) under the Investor 2 Category, must complete a minimum 20 hours of English language tuition with a New Zealand Qualifications Authority registered education provider in New Zealand within the four year investment period; and
   iv at the two-year anniversary of the investment period, the principal applicant submit evidence that they:
       o are retaining an acceptable investment in New Zealand; and
       o meeting minimum period of time in New Zealand requirements; and
   v within 3 months after the expiry date of the required investment period, the principal applicant submit evidence to INZ that they have met conditions (i) and (iii) if applicable.

c Any accompanying partner and dependent children of a principal applicant granted a resident visa will be subject to the condition that the principal applicant complies with the conditions of their visa.

BJ2.20.1 Imposing conditions

a Principal applicants are advised of the conditions of their visa in a letter that states:
   i the conditions; and
   ii that failure to comply with the conditions may result in the visa holder becoming liable for deportation under section 159 of the Immigration Act 2009.

b The letter will also specify the date on which the required investment period begins (see BJ7.25).

Effective 22/05/2017
BJ2.25 Verification

See previous instructions:
BJ2.30 Effective 29/11/2010

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 office 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.

Effective 22/05/2017
**BJ3 Investor 1 Category**

See previous instructions: BJ3 Effective 29/11/2010

a Principal applicants under the Investor 1 Category are assessed against:
   i health and character requirements; and
   ii investment funds requirements.

b For an application to be approved under the Investor 1 Category:
   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 nominate funds and/or assets equivalent in value to at least NZ$10 million and demonstrate ownership of these funds and/or assets; and
   iii the principal applicant must demonstrate that the nominated funds have been legally earned or acquired; and
   iv the principal applicant must continue to meet fit and proper person requirements (see BM1); and
   v the principal applicant must undertake to invest NZ$10 million for a period of three years in New Zealand and transfer and place the funds in an acceptable investment in accordance with the instructions in BJ7.10.

**Effective 10/11/2016**
BJ3.5 Health and character requirements

Applicants under the Investor 1 Category must meet health and character requirements (see A4 and A5).

Effective 29/11/2010
BJ3.10 Investment funds

See previous instructions:
BJ3.10 Effective 22/05/2017
BJ3.10 Effective 30/03/2015
BJ3.10 Effective 24/03/2014
BJ3.10 Effective 07/11/2011
BJ3.10 Effective 25/07/2011
BJ3.10 Effective 29/11/2010

a The principal applicant must invest a minimum of NZ$10 million in New Zealand for a period of three years.

b The principal applicant must:
   i nominate funds and/or assets equivalent in value to NZ$10 million; and
   ii demonstrate ownership of these funds and/or assets (see BJ3.10.1); and
   iii demonstrate that the nominated funds and/or assets have been earned or acquired legally (see BJ3.10.1 (c) below).

c All invested funds must meet the conditions of an acceptable investment as set out under BJ3.10.25.

BJ3.10.1 Ownership of nominated funds and/or assets

a Nominated funds and/or assets may be owned either:
   i solely by the principal applicant; or
   ii jointly by the principal applicant and partner and/or dependent children who are included in the resident visa application, provided a business immigration specialist is satisfied 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)). 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 or dependent child, 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 were earned lawfully by the person/s gifting the funds and/or assets.

d The nominated funds and/or assets must be unencumbered.

e The nominated funds and/or assets must not be borrowed.

BJ3.10.5 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 criminal law of New Zealand.

BJ3.10.10 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.
BJ3.10.15 Funds already held in New Zealand
a Funds held in New Zealand at the time the application is made may be included in investment funds. However, periods of investment in New Zealand before approval in principle cannot be taken into account when calculating the three-year investment period.
b Funds held in New Zealand must originally have been transferred to New Zealand through the banking system, or a foreign exchange company that uses the banking system from the country or countries in which they were earned or acquired legally, or have been earned or acquired lawfully in New Zealand (see BJ7.10).

BJ3.10.20 Evidence of the principal applicant’s nominated funds and assets
a Principal applicants must provide evidence of net funds and/or assets to the value of the required investment funds.
b Principal applicants must provide evidence to the satisfaction of a business immigration specialist that the nominated funds and/or assets were earned or acquired legally.
c All documents provided as valuations of assets must be:
   i no more than three months old at the date the resident visa application is made; and
   ii produced by a reliable independent agency.
d A business immigration specialist may seek further evidence if they:
   i are not satisfied that the nominated funds and/or assets were earned or acquired legally; or
   ii consider that the nominated funds and/or assets may have been gifted or borrowed without being declared; or
   iii are not satisfied with the valuation provided; or
   iv consider that the nominated funds and/or assets fail in some other way to meet the rules for investment funds.

BJ3.10.25 Definition of ‘acceptable investment’
  a An acceptable investment means an investment that:
     i is capable of a commercial return under normal circumstances; and
     ii is not for the personal use of the applicant(s) (see BJ3.10.30); and
     iii is invested in New Zealand in New Zealand currency; and
     iv is invested in lawful enterprises or managed funds (see BJ3.10.35) that comply with all relevant laws in force in New Zealand; and
     v has the potential to contribute to New Zealand’s economy; and
     vi is invested in either one or more of the following:
       o bonds issued by the New Zealand government or local authorities; or
       o bonds issued by New Zealand firms traded on the New Zealand Debt Securities Market (NZDX); or
       o bonds issued by New Zealand firms with at least a BBB- or equivalent rating from internationally recognised credit rating agencies (for example, Standard and Poor’s); or
       o equity in New Zealand firms (public or private including managed funds and venture capital funds); or
       o bonds issued by New Zealand registered banks; or
       o equities in New Zealand registered banks; or
       o residential property development(s) (see BJ3.10.40); or
       o commercial property (see BJ3.15.5); or
       o bonds in finance companies (see BJ3.10 (d)); or
       o eligible New Zealand venture capital funds (see BJ3.10.45); or
       o philanthropic investment (see BJ3.15.10); or
o ‘Angel funds or networks’ investments.

**Note:** New Zealand registered banks are defined by the New Zealand Reserve Bank Act 1989.

b For private equity investments to be acceptable, the business immigration specialist must be satisfied that the funds being invested are to be actively used by the company to, for example, fund company growth, pay down company debt or purchase capital items.

c Notwithstanding (a) above, where an investment fails to meet one of the acceptable investment requirements, a business immigration specialist may consider, on a case by case basis, whether the failure was beyond the control of the principal applicant and if satisfied that this was the case, may consider the investment acceptable.

d A Business Immigration Specialist may consider bonds in finance companies as an acceptable investment where the finance company:
   i is a wholly-owned subsidiary of,
   ii raises capital solely for, and
   iii has all its debt securities unconditionally guaranteed by a New Zealand Stock Exchange listed company or a local authority.

**Note:** The value of an investment is based on the net purchase price (for example, less any accrued interest, commission, brokerage and/or trade levy), not on the face value of the investment.

**BJ3.10.30 Personal use of investment funds**

Personal use includes investment in assets such as a personal residence, car, boat or similar.

**BJ3.10.35 Managed funds**

a For the purposes of these instructions managed funds are defined as either:
   i a managed fund investment product offered by a financial institution; or
   ii funds invested in equities that are managed on an investor's behalf by a fund manager or broker.

b In order to be acceptable as a form of investment managed funds must be invested only in New Zealand companies. Managed fund investments in New Zealand with international exposure are acceptable only for the proportion of the investment that is invested in New Zealand companies.

**Example:** Only 50% of a managed fund that equally invests in New Zealand and international equities would be deemed to be an acceptable investment as set out in BJ3.10.

**BJ3.10.40 Residential property development**

For the purposes of these instructions, residential property development(s) is defined as property(ies) 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(ies) 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), or if consents are not yet granted, evidence must be submitted that consents have been requested; 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 principal investor, may reside in the development.
BJ3.10.45 Venture capital funds

a  For the purposes of these instructions, a venture capital fund is defined as a fund that invests capital in an early-stage or start-up (or seed) company or companies in exchange for an equity stake in that company or companies.

b  In order for a venture capital fund investment to be deemed acceptable by a business immigration specialist, nominated funds can be placed in approved on-call accounts or venture capital funds, subject to the following conditions:
   i  applicants must have entered into a binding fund investment contract with an approved venture capital fund manager and into an approved fund structure (for example a New Zealand limited partnership), to supply an agreed amount of funds as committed capital; and
   ii the committed funds are a fixed commitment, managed on an applicant’s behalf by a fund manager or broker, to be drawn down over a stated period; and
   iii nominated funds can either be committed to an acceptable investment or placed into on-call accounts which meet the specifications in BJ3.10.45(e); and
   iv applicants must maintain a level of funds in any approved on-call account equal to the nominated amount minus any funds already committed to the venture capital fund; and
   v applicants must be able to demonstrate that all funds placed into on-call accounts are in those accounts pending call-up by their nominated venture capital fund.

c  In order to be approved, all on-call accounts or venture capital funds must be managed on an applicant’s behalf by a fund manager or broker and held in New Zealand in New Zealand dollars.

d  Funds and fund administrators or managers must be able to provide confirmation that both funds and managers are fully compliant with any legislative and regulatory obligations, applicable codes of practice and licensing or registration requirements under New Zealand law, including any requirements imposed by the Financial Markets Authority.

e  For the purposes of these instructions, acceptable on-call accounts are defined as an investment that can be liquidated to meet the needs of the venture capital fund, including trusts, bonds, or shares in equities.

Effective 19/06/2017
**BJ3.15 Definitions**

See previous instructions:
BJ3.15 Effective 19/06/2017
BJ3.15 Effective 22/05/2017
BJ3.15 Effective 30/03/2015

**BJ3.15.1 Growth investments**

For the purposes of these instructions, growth investments are defined as acceptable investments, see (BJ3.10.25), other than:

a) bonds; and

b) philanthropic investments.

**Note:** For the purpose of growth investments, convertible notes are considered to be bonds.

**BJ3.15.5 Commercial Property**

For the purposes of Investor 1 Category instructions, commercial property is considered to be an acceptable investment if:

a) the property(ies) is not residential or for domestic use; and

b) the property(ies) is used for business purposes, in that it is:
   i) capable of a commercial return; and
   ii) not used for land banking; and

c) the purpose of the commercial property investments must be to make a commercial return on the open market; and

d) neither the family, relatives, nor anyone associated with the principal applicant may reside in the development; and

e) if a new development, the property(ies) must have been approved and gained any required consents by any relevant regulatory authorities (including local authorities).

**Note:** Commercial property can include empty land if plans for development are submitted to regulatory authorities and/or work has commenced.

**BJ3.15.10 Philanthropic Investments**

a) For Philanthropic investments to be considered acceptable, a Business Immigration Specialist must be satisfied the investment is genuine (see (b) below) and is in:
   i) a registered charity with at least two years annual returns and Inland Revenue donee status; or
   ii) a not-for-profit organisation that provides social, cultural or economic benefits approved by the Business Migration Visa Operations Manager.

b) In determining whether a philanthropic investment is genuine, the factors a Business Immigration Specialist may consider include, but are not limited to:
   i) the length of time the entity has been operating; and
   ii) the constitutional arrangement of the entity; and
   iii) the entity’s track record.

c) A maximum of 15 percent of total investment funds can be invested in philanthropic donations.

*Effective 13/05/2019*
BJ4 Investor 2 Category (Expression of Interest and Invitation to Apply)
BJ4.1 Expressing interest in being invited to apply under the Investor 2 Category

See previous instructions:
BJ4.1 Effective 10/11/2016
BJ4.1 Effective 29/11/2010

See also Immigration Act 2009, s 92

a People notify their interest in being invited to apply for a resident visa under the Investor 2 Category by tendering an Expression of Interest (EOI) to Immigration New Zealand in the prescribed manner. The prescribed manner for completing and submitting an EOI is that the person expressing interest submits to a business immigration specialist:

i a completed Investor 2 Category Expression of Interest Form (INZ 1165); and

ii the appropriate fee.

b Through completion of an EOI, a person:

i provides information regarding their: identity (see A2), health (see A4), character (see A5) and ability to meet the fit and proper person requirements (see BM1); and

ii provides information about their English language ability in accordance with the requirements for English language ability set out at BJ5.15 and BJ5.35 of these instructions; and

iii claims points for age, business experience, English language and investment funds, including bonus points for proposed growth investments (in accordance with requirements set out in BJ4 of the Investor 2 Category).

c It is the responsibility of the person submitting the EOI to ensure that it is correct in all material respects.

Effective 22/05/2017
BJ4.5 Implications of providing false or misleading information

See previous instructions:
BJ4.5 Effective 29/11/2010

See also Immigration Act 2009 ss 58, 93, 157, 158

a The Immigration Act 2009 provides that:
   i the provision of false or misleading information as part of an Expression of Interest (EOI) or associated submission; or
   ii the withholding of relevant, potentially prejudicial information from an EOI or associated submission; or
   iii failure to advise an immigration officer of any fact or material change in circumstances that occurs after an EOI is lodged that may affect a decision to invite the person to apply for a resident visa or to grant a resident visa,

   is sufficient grounds for the decline of an application for a resident visa and for the holder of a residence class or temporary class visa to become liable for deportation.

b Information relating to a claim made in an EOI that is factually inaccurate and is relevant to the issuing of an Invitation to Apply or the assessment of a resident visa application, will be considered misleading unless the principal applicant can demonstrate that there is a reasonable basis for making that claim.

Effective 27/11/2014
BJ4.10 Submission of Expressions of Interest to the Pool

See previous instructions:
BJ4.15 Effective 10/11/2016
BJ4.15 Effective 30/07/2012
BJ4.15 Effective 29/11/2010

**See also Immigration Act 2009 s 92**

Expressions of Interest submitted in the prescribed manner may be entered into a Pool of Expressions of Interest (the Pool) if the person expressing interest:

a has confirmed that health and character requirements for entry to the Pool have been met because none of the people included in their Expression of Interest are people who:
   i would not be granted a medical waiver (see A4.60); or
   ii are described in sections 15 and 16 of the Immigration Act 2009 (see A5.20); and

b has claimed at least one point for English language ability (see BJ5.35); and

c has confirmed that they are aged 65 years or younger (see BJ5.25); and

d has claimed points for a minimum of three years of business experience (see BJ5.30); and

e has claimed points for a minimum of NZ$3.0 million investment funds (see BJ5.40); and

f has confirmed that they meet fit and proper person requirements (see BM1).

*Effective 22/05/2017*
BJ4.15 Selection of Expressions of Interest

See previous instructions:
BJ4.20 Effective 27/11/2014
BJ4.20 Effective 29/11/2010

a As Expressions of Interest (EOI) are entered into the Pool they will be ranked on the basis of total points claimed for age, business experience, English language ability and investment funds, including bonus points for proposed growth investments, in accordance with the points allocated to these factors under the Investor 2 Category. The ranking of EOIs relative to each other will change as EOIs enter, or are withdrawn from, the Pool, or as the points claimed by EOIs already in the Pool change.

b Expressions of Interest may be selected from the Pool according to their points ranking in quantities sufficient to fulfil the annual approval cap stipulated at BJ2.10.

Effective 22/05/2017
BJ4.20 Currency of an Expression of Interest

See previous instructions:
BJ4.25 Effective 27/11/2014
BJ4.25 Effective 01/07/2013
BJ4.25 Effective 29/11/2010

a An Expression of Interest (EOI) is current for a period of six months from the date of initial submission to the Pool unless no Pool selection of EOIs has occurred within that six-month period. Where this is the case, the EOI is current until such time as a selection from the Pool has occurred.

b An EOI that is no longer current will be withdrawn from the Pool.

c An EOI will also be withdrawn from the Pool if it is rejected after selection because it does not meet prerequisites for entry to the Pool and as a result no Invitation to Apply is issued.

Effective 22/05/2017
BJ4.25 Invitation to Apply for a resident visa under the Investor 2 Category

Previous instructions:
BJ4.30 Effective 10/11/2016
BJ4.30 Effective 27/11/2014
BJ4.30 Effective 29/11/2010

See also Immigration Act 2009 s 94

a People whose Expressions of Interest (EOI) have been selected from the Pool may be issued with an Invitation to Apply (ITA) for a resident visa under the Investor 2 Category if:
   i the information provided does not indicate the presence of any health, character or fit and proper person (BM1) issues which may adversely affect their ability to be granted a resident visa under the Investor 2 Category; and
   ii a business immigration specialist considers the person's claims in regards to points for age, business experience, English language ability and investment funds, including bonus points for proposed growth investments which were the basis for selection from the Pool, are credible.

b A business immigration specialist may seek further evidence, information or submissions from a person whose EOI has been selected from the Pool, for the purpose of determining whether to issue them with an ITA under the Investor 2 Category.

c A business immigration specialist's decision to issue an ITA for a resident visa under the Investor 2 Category (based on information, evidence and submissions provided prior to application) does not guarantee:
   i that the points claimed by the applicant will be awarded; or
   ii a positive assessment in respect of health, character, English language, or any other requirements, of any subsequent application for a resident visa; or
   iii that the person will be granted a resident visa.

d The selection of an EOI from the Pool may not result in an ITA for a resident visa under the Investor 2 Category.

BJ 4.25.1 Further invitations to apply for people selected from the pool before 22 May 2017

a Despite not having a current EOI in the pool, a further ITA may be issued to a person who has already been invited to apply on the basis of an EOI that was selected before 22 May 2017, provided any application they made on the basis of that EOI has not already been decided. Further ITAs of this type can be issued to people who were invited to apply on the basis of an EOI selected before 22 May 2017 and who:
   i made an application before 22 May 2017; or
   ii had a valid ITA on 22 May 2017 (regardless of whether they subsequently made an application based on that ITA).

b Any ITA issued to people described at (a) above will invite them to choose to make an application under either:
   i the instructions in place at the time their ITA was issued, or
   ii the instructions in place at the time their application is made.

c Further ITAs issued under these instructions will have the following validity:
   i ITAs issued to people with applications already under process will be valid for one month (if no response is received the application will continue to be processed under the instructions in place at the time of application);
ii. ITAs issued to people who have not yet applied will expire one month beyond the expiry date of their original ITA.

Effective 19/06/2017
BJ5 Investor 2 Category (Summary of Requirements)
BJ5.1 Ability to apply

See also Immigration Act 2009 ss 57, 94

A person may only apply for a resident visa under the Investor 2 Category if:

a  they have been invited to apply under the Investor 2 Category, and either;
   i  they make an application (see R2.25) for a resident visa under the Investor 2 Category within four
      months of the date of the letter in which that invitation is made; or
   ii for those whose invitation to apply is dated between 1 November 2019 and 15 April 2020 inclusive,
      they make an application for a resident visa under the Investor 2 Category within ten months of
      the date of the letter in which that invitation is made; and

b  that invitation has not been revoked.

Effective 18/05/2020
BJ5.5 Approval of applications under the Investor 2 Category

See previous instructions:
BJ5.5 Effective 22/05/2017
BJ5.5 Effective 21/11/2016
BJ5.5 Effective 10/11/2016
BJ5.5 Effective 29/11/2010

a  Principal applicants under the Investor 2 category are assessed against:
   i  age, health, character and English language requirements; and
   ii investment requirements; and
   iii business experience requirements.

b  For an application under the Investor 2 category to be approved:
   i  the principal applicant must qualify for the points on the basis of which their EOI was selected from the Pool; and
   ii the principal applicant and family members included in the application must meet health and character requirements; and
   iii the principal applicant must be aged 65 years or younger; and
   iv the principal applicant must have a minimum of three years of business experience; and
   v the principal applicant must qualify for at least 1 point for English language ability (see BJ5.35); and
   vi the principal applicant must nominate investment funds and/or assets equivalent in value to at least NZ$3.0 million; and
   vii the principal applicant must demonstrate ownership of the nominated funds and/or assets and that they have been legally earned or acquired; and
   viii the principal applicant must meet fit and proper person requirements (see BM1).

c  Despite BJ5.5(b)(i) above, if a principal applicant does not qualify for the points for business experience and nominated investment funds on the basis of which their EOI was selected from the Pool (see BJ4.15), a business immigration specialist may, on a case by case basis, determine that the application may nevertheless be approved, where the principal applicant has satisfied a business immigration specialist that there was a reasonable basis for making the claim for points in the Expression of Interest and that in making that claim there was no fraud, or intent to provide false or misleading information.

BJ5.5.1 Applications made on the basis of a further ITA

a  Despite BJ5.5 and BJ2.5.10, an application under the Investor 2 category can be approved if:
   i  it is made on the basis of a further ITA issued in line with BJ4.25.1;
   ii the requirements of either (b) or (c) below are met.

b  An application based on a further ITA can be approved if the principal applicant has chosen to be assessed against the immigration instructions in place at the time their EOI was selected and they meet those instructions.

c  An application made on the basis of a further ITA issued can be approved if the principal applicant has chosen to be assessed against the instructions in place at the time their application is made and:
   i  the principal applicant meets the requirements of BJ5.5 above, except for BJ5.5(b)(i); and
   ii if the applicant nominated investment funds and/or assets equivalent to more than NZ$3.0 million in their EOI, they have nominated at least the same amount of funds and/or assets in the application.

d  Where an application is made on the basis of a further ITA and the applicant already made an application under Investor 2, medical, chest X-ray and police certificates from the first application may
be used to determine whether applicants meet health and character requirements, despite the requirements setting out the validity of such certificates in A4.20 (http://inzkit/publish/opsmanual/#46161.htm) and A5.10.

Effective 19/06/2017
BJ5.10 Health and character requirements

Applicants under the Investor 2 Category must meet health and character requirements (see A4 and A5).

Effective 29/11/2010
BJ5.15 English language requirements

See previous instructions:
BJ5.15 Effective 29/11/2010

a  Principal applicants under the Investor 2 Category must meet a minimum standard of English (see BJ5.35).

b  Any partner or dependent children aged 16 years and over who are included in an Investor 2 Category application must meet a minimum standard of English or pre-purchase ESOL tuition (see BF1.1).

Effective 22/05/2017
BJ5.20 Investor 2 Category points system

a. Age, business experience, English language ability, and nominated investment funds are assessed using a points system.

b. An application for a resident visa under the Investor 2 Category will be declined if a principal applicant does not qualify for the points for business experience and nominated investment funds on the basis of which their Expression of Interest was selected from the Pool, unless BJ5.5(c) applies.

Effective 29/11/2010
BJ5.25 Age

Se previous instructions:
BJ5.25 Effective 22/05/2017
BJ5.25 Effective 29/11/2010

a. Principal applicants under the Investor 2 Category must be aged 65 years or younger at the time of application.

b. A principal applicant's age under the Investor 2 Category qualifies for points as follows:

<table>
<thead>
<tr>
<th>Age</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 - 65</td>
<td>0</td>
</tr>
<tr>
<td>50 - 59</td>
<td>5</td>
</tr>
<tr>
<td>40 - 49</td>
<td>10</td>
</tr>
<tr>
<td>30 - 39</td>
<td>15</td>
</tr>
<tr>
<td>Less than 30</td>
<td>20</td>
</tr>
</tbody>
</table>

BJ5.25.1 Evidence of age

Evidence of age may include, but is not limited to, original or certified copies of:

a. a birth certificate; or

b. a passport or other travel document; or

c. an identity document (from countries which require these and where birth details are confirmed before the document is issued).

Effective 19/06/2017
BJ5.30 Business experience

See previous instructions:
BJ5.30 Effective 25/07/2011
BJ5.30 Effective 29/11/2010

a Principal applicants must have a minimum of three years of recognised business experience.

b Recognised business experience qualifies for points as set out below:

<table>
<thead>
<tr>
<th>Business Experience years</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>5</td>
<td>15</td>
</tr>
<tr>
<td>6</td>
<td>18</td>
</tr>
<tr>
<td>7</td>
<td>21</td>
</tr>
<tr>
<td>8</td>
<td>24</td>
</tr>
<tr>
<td>9</td>
<td>27</td>
</tr>
<tr>
<td>10</td>
<td>30</td>
</tr>
<tr>
<td>11</td>
<td>33</td>
</tr>
<tr>
<td>12</td>
<td>36</td>
</tr>
<tr>
<td>13</td>
<td>39</td>
</tr>
<tr>
<td>14</td>
<td>42</td>
</tr>
<tr>
<td>15+</td>
<td>45</td>
</tr>
</tbody>
</table>

BJ5.30.1 Basic rules for business experience

a Business experience is recognised for the award of points if it was acquired through ownership of or management level experience in, a lawful business enterprise that has at least five full-time employees or an annual turn-over of NZ$1 million. Factors a Business Immigration Specialist may take into account to determine whether experience can be recognised may include the degree to which the applicant was involved in: planning, organisation, control, senior change-management, direction-setting and mentoring.

b A principal applicant is considered to own a business if they own at least 25% of a business.

c A lawful business enterprise is an organisation that:
   i operates lawfully in a commercial environment with the goal of returning a profit; and
   ii is not set up primarily for passive or speculative purposes.

BJ5.30.5 Length of business experience

a The length of business experience is determined on the basis of full-time business experience of at least 30 hours per week. Credit for part-time business experience may be given on a proportional basis.

Example: Business experience gained over eight years for 15 hours per week would equal four years' business experience based on a 30-hour week.

b Credit is given for 30 hour weeks only, even where a principal applicant has worked more than 30 hours in any week.
BJ5.30.10 Evidence of the principal applicant’s business experience

a Documents submitted as evidence of the principal applicant’s business experience must show the
position(s) and the responsibilities held.

b Evidence of the principal applicant’s business experience can include, but is not limited to, original or
certified copies of the following documents as are necessary to allow a business immigration specialist
to make a decision:

i business registration
ii company financial accounts
iii company tax returns and tax records
iv shareholder certificates or proof of ownership of business
v job specifications
vi job assessments
vii personal tax returns
viii letters of appointment
ix certificates of service
x strategic planning documents
xi references from employers on company letterhead, stating the occupation and dates of
employment, and giving the contact phone number and address of the employer.

c A business immigration specialist may require additional documents, evidence and information as
they consider necessary to determine an application.

d Evidence of part-time business experience includes that listed in paragraph (b) above, but must show
actual weekly hours worked.

Notes:
- Documents provided as evidence of business experience must, in combination, demonstrate experience of
all the elements contained within the requirements for recognition of the business experience (see
BJ5.30.1).
- New Zealand business experience must be lawfully gained.

Effective 22/05/2017
## BJ5.35 English language ability

See previous instructions:
BJ5.35 Effective 28/08/2017
BJ5.35 Effective 22/05/2017
BJ5.35 Effective 21/11/2016
BJ5.35 Effective 29/11/2010

a  Principal applicants must qualify for a minimum of 1 point for English language ability.

b  English language ability qualifies for points as follows:

<table>
<thead>
<tr>
<th>Test</th>
<th>Required Score</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>International English Language Testing System (IELTS) - General or Academic Module</td>
<td>Overall score of 3.0 or more but less than 4.0</td>
<td>1</td>
</tr>
<tr>
<td>IELTS - General or Academic Module</td>
<td>Overall score of 4.0 or more but less than 5.0</td>
<td>4</td>
</tr>
<tr>
<td>TOEFL iBT</td>
<td>Overall score of 31 to 34</td>
<td></td>
</tr>
<tr>
<td>PTE Academic</td>
<td>Overall score of 29 to 35</td>
<td></td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>Overall score of 142 to 153</td>
<td></td>
</tr>
<tr>
<td>OET</td>
<td>Grade D or higher in all four skills (Listening, Reading, Writing and Speaking) *</td>
<td></td>
</tr>
<tr>
<td>IELTS - General or Academic Module</td>
<td>Overall score of 5.0 or more</td>
<td>10</td>
</tr>
<tr>
<td>TOEFL iBT</td>
<td>Overall score of 35 or more</td>
<td></td>
</tr>
<tr>
<td>PTE Academic</td>
<td>Overall score of 36 or more</td>
<td></td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>Overall score of 154 or more</td>
<td></td>
</tr>
<tr>
<td>OET</td>
<td>Grade C or higher in all four skills (Listening, Reading, Writing and Speaking) *</td>
<td></td>
</tr>
<tr>
<td>IELTS - General or Academic Module</td>
<td>Overall score of 6.0 or more</td>
<td>13</td>
</tr>
<tr>
<td>TOEFL iBT</td>
<td>Overall score of 60 or more</td>
<td></td>
</tr>
<tr>
<td>PTE Academic</td>
<td>Overall score of 50 or more</td>
<td></td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>Overall score of 169 or more</td>
<td></td>
</tr>
</tbody>
</table>
### BJ5.35.1 Evidence of English language ability

**a** Principal applicants claiming 1 to 17 points under BJ5.35(b) must provide English language test results (no more than 2 years old at the time the application is lodged) with a score that qualifies for 1 to 17 points.

**b** Principal applicants claiming 20 points under BJ5.35(b) must provide one of the following:

- **i** English language test results (no more than 2 years old at the time the application is lodged) with a score that qualifies for 20 points; or
- **ii** evidence that they have an English-speaking background (see BF2.1) which is accepted by a business immigration specialist as meeting the standard of English for which 10 points can be awarded; or
- **iii** 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 standard of English for which 20 points can be awarded. Evidence may include but is not limited to:
  - the country in which the applicant currently resides;
  - the country(ies) in which the applicant has previously resided;
  - the duration of residence in each country;
  - the nature of the applicant’s current or previous employment (if any) and whether it required or was likely to have required skill in English language;
  - the nature of the applicant’s qualifications (if any) and whether the obtaining of those qualifications was likely to have required skill in English language.

---

<table>
<thead>
<tr>
<th>Test</th>
<th>Minimum Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>IELTS - General or Academic Module</td>
<td>Overall score of 7.0 or more</td>
</tr>
<tr>
<td>TOEFL iBT</td>
<td>Overall score of 94 or more</td>
</tr>
<tr>
<td>PTE Academic</td>
<td>Overall score of 65 or more</td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>Overall score of 185 or more</td>
</tr>
<tr>
<td>OET</td>
<td>Grade B or higher in all four skills (Listening, Reading, Writing and Speaking)*</td>
</tr>
<tr>
<td>IELTS - General or Academic Module</td>
<td>Overall score of 8.0 or more</td>
</tr>
<tr>
<td>TOEFL iBT</td>
<td>Overall score of 110 or more</td>
</tr>
<tr>
<td>PTE Academic</td>
<td>Overall score of 79 or more</td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>Overall score of 200 or more</td>
</tr>
<tr>
<td>OET</td>
<td>Grade A or higher in all four skills (Listening, Reading, Writing and Speaking)*</td>
</tr>
</tbody>
</table>

* A score in all four skills is required for the OET as there is no overall grade in this test.
c. In any case under (b) (ii) or (iii), a business immigration specialist may require an applicant to provide English language test results in terms of paragraph (b)(i). In such cases, the English language test results will be used to determine whether the applicant can be awarded 10 points for English language ability.

**Note:** The tests recognised by Immigration New Zealand as set out at BJ5.35 provide an assessment of ability in English, including performance in listening, reading, writing and speaking.

*Effective 21/05/2018*
BJ5.40 Investment funds

See previous instructions:
BJ5.40 Effective 22/05/2017
BJ5.40 Effective 25/07/2011
BJ5.40 Effective 29/11/2010

a The principal applicant must nominate a minimum of NZ$3.0 million to invest in New Zealand.

b Points can be claimed for the amount of funds the principal applicant intends to invest in New Zealand.

c The principal applicant must:

i nominate funds and/or assets equivalent to the amount that they wish to invest in New Zealand; and

ii demonstrate ownership of the nominated funds and/or assets (see BJ5.40.1); and

iii demonstrate that the nominated funds and/or assets have been earned or acquired legally (see BJ5.40.5 below).

d All invested funds must meet the conditions of an acceptable investment set out in BJ5.50.

e Investment funds qualify for points as follows:

<table>
<thead>
<tr>
<th>Investment Amount (NZ$M)</th>
<th>Points</th>
<th>Investment Amount (NZ$M)</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>$3</td>
<td>10</td>
<td>$6.5</td>
<td>80</td>
</tr>
<tr>
<td>$3.25</td>
<td>15</td>
<td>$6.75</td>
<td>85</td>
</tr>
<tr>
<td>$3.5</td>
<td>20</td>
<td>$7</td>
<td>90</td>
</tr>
<tr>
<td>$3.75</td>
<td>25</td>
<td>$7.25</td>
<td>95</td>
</tr>
<tr>
<td>$4</td>
<td>30</td>
<td>$7.5</td>
<td>100</td>
</tr>
<tr>
<td>$4.25</td>
<td>35</td>
<td>$7.75</td>
<td>105</td>
</tr>
<tr>
<td>$4.5</td>
<td>40</td>
<td>$8</td>
<td>110</td>
</tr>
<tr>
<td>$4.75</td>
<td>45</td>
<td>$8.25</td>
<td>115</td>
</tr>
<tr>
<td>$5</td>
<td>50</td>
<td>$8.5</td>
<td>120</td>
</tr>
<tr>
<td>$5.25</td>
<td>55</td>
<td>$8.75</td>
<td>125</td>
</tr>
<tr>
<td>$5.5</td>
<td>60</td>
<td>$9</td>
<td>130</td>
</tr>
<tr>
<td>$5.75</td>
<td>65</td>
<td>$9.25</td>
<td>135</td>
</tr>
<tr>
<td>$6</td>
<td>70</td>
<td>$9.5</td>
<td>140</td>
</tr>
<tr>
<td>$6.25</td>
<td>75</td>
<td>$9.75</td>
<td>145</td>
</tr>
</tbody>
</table>

BJ5.40.1 Ownership of nominated funds and/or assets

a Nominated funds and/or assets may be owned either:

i solely by the principal applicant; or

ii jointly by the principal applicant and partner who are included in the resident visa application,
provided a business immigration specialist is satisfied 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)); or

iii jointly by the principal applicant and dependent children who are included in the resident visa application.

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 or dependent child, 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 were earned lawfully by the person/s gifting the funds and/or assets.

d The nominated funds and/or assets must be unencumbered.

e The nominated funds and/or assets must not be borrowed.

BJ5.40.5 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 criminal law of New Zealand.

BJ5.40.10 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.

BJ5.40.15 Funds already held in New Zealand

a Funds held in New Zealand at the time the application is made may be included in investment funds, however, periods of investment in New Zealand before approval in principle cannot be taken into account when calculating the four-year investment period.

b Funds held in New Zealand must originally have been transferred to New Zealand through the banking system, or a foreign exchange company that uses the banking system from the country or countries in which they were earned or acquired legally, or have been earned or acquired legally in New Zealand.

BJ5.40.20 Evidence of the principal applicant’s nominated funds and assets

a Principal applicants must provide evidence of net funds and/or assets to the value of the required investment funds.

b Principal applicants must provide evidence to the satisfaction of a business immigration specialist that the nominated funds and/or assets were earned or acquired legally.

c All documents provided as valuations of assets must be:

i produced by a reliable independent agency.

ii A business immigration specialist may seek further evidence if they:

iii are not satisfied that the nominated funds and/or assets were earned or acquired legally; or

iv consider that the nominated funds and/or assets may have been gifted or borrowed; or
v are not satisfied with the valuation provided; or
vi consider that the nominated funds and/or assets fail in some other way to meet the rules for investment funds.

Effective 19/06/2017
**BJ5.45 Growth Investments**

**a** Principal applicants who are assessed as meeting the requirements under the Investor 2 Category and who propose to invest a minimum of NZ$750,000 (25% of NZ$3.0 million) of nominated investment funds in ‘growth investments’ will be eligible to:

i. spend a minimum time period in New Zealand of 438 days over four years from first arrival in New Zealand as a resident, or the grant of a resident visa while in New Zealand; and

ii. qualify for 20 bonus points.

**b** Principal applicants who are assessed as meeting the requirements under the Investor 2 Category and who propose to invest a minimum of NZ$1.5 million (50% of NZ$3.0 million) of nominated investment funds in ‘growth investments’ will be eligible to:

i. spend a minimum time period in New Zealand of 438 days over four years from first arrival in New Zealand as a resident, or the grant of a resident visa while in New Zealand; and

ii. qualify for 20 bonus points; and

iii. qualify for a reduction of NZ$0.5 million of the investment amount.

**BJ5.45.1 Definition of ‘Growth Investments’**

**a** For the purposes of these instructions, growth investments are defined as acceptable investments, see (BJ5.50) other than:

i. bonds; and

ii. philanthropic investments.

**b** All invested funds must meet the conditions of an acceptable investment set out in BJ5.50.

*Note:* For the purpose of growth investments, convertible notes are considered to be bonds.

*Effective 22/05/2017*
**BJ5.45 Settlement funds (to 22/05/2017)**

Note: These instructions cease to be effective from 22 May 2017.

**BJ5.45.1 Aim and Intent**

Principal applicants under the Investor 2 Category must demonstrate that they have the ability to support themselves, their partner, and/or dependent children (see R2.1.30) who are included in the resident visa application during the four year investment period in New Zealand.

**BJ5.45.5 Requirement for settlement funds**

Principal applicants must demonstrate ownership of a minimum of NZ$1 million in addition to their nominated investment funds.

**BJ5.45.10 Ownership of settlement funds**

a Funds may be owned either:

i solely by the principal applicant; or

ii jointly by the principal applicant and partner and/or dependent children (see R2.1.30) who are included in the resident visa application.

b The principal applicant may claim the full value of jointly owned funds or assets for assessment purposes provided a business immigration specialist is satisfied the principal applicant and partner have been living together for 12 months or more in a genuine and stable partnership (see R2.1.15, R2.1.15.1 (b) and R2.1.15.5 (a) (i)).

c If funds or assets are held jointly by the principal applicant and a person other than their partner or dependent child, the principal applicant may only claim the value of that portion of the funds or assets for which they provide evidence of ownership.

**BJ5.45.15 Evidence of settlement funds**

Evidence of settlement funds may include, but is not limited to:

a funds held in a New Zealand bank account(s); and/or

b funds held in an offshore bank account(s), together with evidence that the funds can be accessed from New Zealand; and/or

c acceptable evidence of net assets (either in New Zealand or offshore).

*Effective 29/11/2010*
BJ5.50 Definition of ‘acceptable investment’

See previous instructions:
BJ5.50 Effective 19/06/2017
BJ5.50 Effective 22/05/2017
BJ5.50 Effective 24/03/2014
BJ5.50 Effective 07/11/2011
BJ5.50 Effective 25/07/2011
BJ5.50 Effective 29/11/2010

a  An acceptable investment means an investment that:
   i. is capable of a commercial return under normal circumstances; and
   ii. is not for the personal use of the applicant(s) (see BJ5.50.1 below); and
   iii. is invested in New Zealand in New Zealand currency; and
   iv. is invested in lawful enterprises or managed funds (see BJ5.50.5) that comply with all relevant laws in force in New Zealand; and
   v. has the potential to contribute to New Zealand’s economy; and
   vi. is invested in either one or more of the following:
      o. bonds issued by the New Zealand government or local authorities; or
      o. bonds issued by New Zealand firms traded on the New Zealand Debt Securities Market (NZDX); or
      o. bonds issued by New Zealand firms with at least a BBB- or equivalent rating from internationally recognised credit rating agencies (for example, Standard and Poor's); or
      o. equity in New Zealand firms (public or private including managed funds and venture capital funds); or
      o. bonds issued by New Zealand registered banks; or
      o. equities in New Zealand registered banks; or
      o. residential property development(s) (see BJ5.50.10) or
      o. commercial property (see BJ5.50.20); or
      o. bonds in finance companies (see BJ5.50 (d)); or
      o. eligible New Zealand venture capital funds (see BJ5.50.15); or
      o. philanthropic investment (see BJ5.40.1); or
      o. ‘Angel funds or networks’ investments.

   Note: New Zealand registered banks are defined by the New Zealand Reserve Bank Act 1989.

b  For private equity investments to be acceptable, the business immigration specialist must be satisfied that the funds being investigated are to be actively used by the company to, for example, fund company growth, pay down company debt or purchase capital items.

c  Notwithstanding (a) above, where an investment fails to meet one of the acceptable investment requirements, a business immigration specialist may consider, on a case by case basis, whether the failure was beyond the control of the principal applicant and if satisfied that this was the case, may consider the investment acceptable.

d  A Business Immigration Specialist may consider bonds in finance companies as an acceptable investment where the finance company:
   i. is a wholly-owned subsidiary of,
   ii. raises capital solely for, and
   iii. has all its debt securities unconditionally guaranteed by a New Zealand Stock Exchange listed company or a local authority.
Note: The value of an investment is based on the net purchase price (for example, less any accrued interest, commission, brokerage and/or trade levy), not on the face value of the investment.

BJ5.50.1 Personal use of investment funds

Personal use includes investment in assets such as a personal residence, car, boat or similar.

BJ5.50.5 Managed funds

a For the purposes of these instructions, managed funds are defined as either:
   i a managed fund investment product offered by a financial institution; or
   ii funds invested in equities that are managed on an investor's behalf by a fund manager or broker.

b In order to be acceptable as a form of investment managed funds must be invested only in New Zealand companies. Managed fund investments in New Zealand with international exposure are acceptable only for the proportion of the investment that is invested in New Zealand companies.

Example: Only 50% of a managed fund that equally invests in New Zealand and international equities would be deemed to be an acceptable investment as set out in BJ5.50.5

BJ5.50.10 Residential property development

For the purposes of these instructions, residential property development(s) is defined as property(ies) 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(ies) 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), or if consents are not available, evidence must be submitted that consents have been requested; 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 principal applicant, may reside in the development.

BJ5.50.15 Venture capital funds

a For the purposes of these instructions, a venture capital fund is defined as a fund that invests capital in an early-stage or start-up (or seed) company or companies in exchange for an equity stake in that company or companies.

b In order for a venture capital fund investment to be deemed acceptable by a business immigration specialist, nominated funds can be placed in approved on-call accounts or venture capital funds, subject to the following conditions:
   i applicants must have entered into a binding fund investment contract with an approved venture capital fund manager and into an approved fund structure (for example a New Zealand limited partnership), to supply an agreed amount of funds as committed capital; and
   ii the committed funds are a fixed commitment, managed on an applicant’s behalf by a fund manager or broker, to be drawn down over a stated period; and
   iii nominated funds can either be committed to an acceptable investment or placed into on-call accounts which meet the specifications in BJ5.50.15(e); and
   iv applicants must maintain a level of funds in any approved on-call account equal to the nominated amount minus any funds already committed to the venture capital fund; and
   v applicants must be able to demonstrate that all funds placed into on-call accounts are in those
accounts pending call-up by their nominated venture capital fund.

c In order to be approved, all on-call accounts or venture capital funds must be managed on an applicant’s behalf by a fund manager or broker and held in New Zealand in New Zealand dollars.

d Funds and fund administrators or managers must be able to provide confirmation that both funds and managers are fully compliant with any legislative and regulatory obligations, applicable codes of practice and licensing or registration requirements under New Zealand law, including any requirements imposed by the Financial Markets Authority.

e For the purposes of these instructions, acceptable on-call accounts are defined as an investment that can be liquidated to meet the needs of the venture capital fund, including trusts, bonds, or shares in equities.

BJ5.50.20 Definition of ‘Commercial Property’

For the purposes of Investor 2 Category instructions, commercial property is considered to be an acceptable investment if:

a the property(ies) is not residential or for domestic use; and

b the property(ies) is used for business purposes, in that it is:
   i capable of a commercial return; and
   ii not used for land banking; and

c the purpose of the commercial property investments must be to make a commercial return on the open market; and

d neither the family, relatives, nor anyone associated with the principal applicant may reside in the development; and

e if a new development, the property(ies) must have been approved and gained any required consents by any relevant regulatory authorities (including local authorities).

Note: Commercial property can include empty land if plans for development are submitted to regulatory authorities and/or work has commenced

BJ5.50.25 Definition of ‘Philanthropic Investment’

a For Philanthropic investments to be considered acceptable, a Business Immigration Specialist must be satisfied the investment is genuine (see (b) below) and is in:
   i a registered charity with at least two years annual returns and Inland Revenue donee status; or
   ii a not-for-profit organisation that provides social, cultural or economic benefits approved by the Business Migration Visa Operations Manager.

b In determining whether a philanthropic investment is genuine, the factors a Business Immigration Specialist may consider include, but are not limited to:
   i the length of time the entity has been operating; and
   ii the constitutional arrangement of the entity; and
   iii the entity’s track record.

c A maximum of 15 percent of total investment funds can be invested in philanthropic donations.

Effective 13/05/2019
**BJ6 Summary of points for the Investor 2 category**

See previous instructions:
BJ6 Effective 28/08/2017
BJ6 Effective 19/06/2017
BJ6 Effective 22/05/2017
BJ6 Effective 21/11/2016
BJ6 Effective 29/11/2010

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<td>Grade A or higher in all four skills (Listening, Reading, Writing and Speaking)*</td>
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* A score in all four skills is required for the OET as there is no overall grade in this test.

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<th>Investment Amount (NZ$M)</th>
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<th>Investment Amount (NZ$M)</th>
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<td>Investment of NZ$750,000 or more in growth investments</td>
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Effective 21/05/2018
BJ7 Approval in principle and transfer of funds
**BJ7.1 Aim and intent**

The instructions regarding the nominated investment funds and/or assets and the method of transfer of those funds to New Zealand are designed to ensure:

a. the legitimacy and lawful ownership of the nominated funds and/or assets; and

b. the direct transfer of the investment funds through a structured and prescribed process to guarantee ongoing legitimacy and lawful ownership of the funds invested in New Zealand.

*Effective 29/11/2010*
**BJ7.5 Approval in principle**

See previous instructions:
BJ7.5 Effective 10/11/2016  
BJ7.5 Effective 07/12/2015  
BJ7.5 Effective 29/11/2010

Principal applicants who are assessed as meeting the requirements under either the Investor 1 Category (see BJ3(b) i – iv) or the Investor 2 Category (see BJ5.5(b) i - ix) will be advised that:

a their application has been approved in principle; and

b resident visas may be granted once they:
   i provide acceptable evidence of having transferred and invested the nominated funds (less any discount for investment in ‘growth investments’, see (BJ5.45)) in accordance with the relevant instructions; and
   ii provide a New Zealand address at which they can be contacted by mail, after they arrive in New Zealand; and
   iii submit evidence that any applicant aged 16 or over in the Investor 2 Category meets the English language requirement, if applicable; and

c resident visas will be granted subject to conditions under section 49(1) of the Immigration Act 2009.  

Effective 22/05/2017
BJ7.10 Transfer of the nominated investment funds

See previous instructions:
BJ7.10 Effective 25/07/2011
BJ7.10 Effective 29/11/2010

a When their application is approved in principle, the principal applicant will be required to transfer the nominated investment funds to New Zealand. These funds must:

i be the funds initially nominated, or the funds that result from the sale of the same assets as those initially nominated, in the resident visa application; or

ii be funds, in the case of the Investor 1 Category as agreed to by a business immigration specialist, secured against the nominated assets in the resident visa application and as approved in accordance with (b) below; and

iii be transferred through the banking system directly from the principal applicant's bank account(s) to New Zealand; or

iv be transferred by a foreign exchange company to New Zealand through the banking system. Business immigration specialists may not accept the transferred funds if the applicant cannot provide satisfactory evidence of the following:

o the nominated investment funds have been transferred to the foreign exchange company directly from the principal applicant’s bank account(s); and

o the nominated investment funds have not been transferred through the foreign exchange company contrary to the laws of New Zealand; and

o nominated investment funds transferred are traceable; and

o cash transactions were not made; and

o the foreign exchange company is not suspected of, or proven to have committed fraudulent activity or financial impropriety in any country it operates from or in.

Note: For Investor 2, the transfer of funds will be less any discount for investment in ‘growth investments’ see (BJ5.45)

b Under the Investor 1 Category, a business immigration specialist may consider, on a case by case basis, borrowed funds as acceptable investment funds where the principal applicant is able to demonstrate that:

i they own net assets equal or greater in value to the required investment amount; and

ii the borrowed investment funds will be from a bank or commercial lending institution acceptable to a business immigration specialist and will be secured against the assets identified under (i); and

iii it is not economically viable or practical to liquidate the nominated assets. eg sell a business.

c The investment funds that are transferred to New Zealand and subsequently into an acceptable investment must be from the same source of funds as nominated in the resident visa application.

Note: Nominated funds held in a country other than the country in which they were earned or acquired legally must have been originally transferred through the banking system, or a foreign exchange company that uses the banking system from that country.

Effective 22/05/2017
BJ7.15 Evidence of the transfer of the nominated funds to New Zealand

See previous instructions:
BJ7.15 Effective 29/11/2010

a Acceptable evidence of the transfer of the nominated funds must be provided by way of the transfer documentation together with a current bank statement showing the transfer(s).

b A business immigration specialist may request any other information to satisfy them that the above requirements have been met.

Effective 22/05/2017
**BJ7.20 Timeframe for investing funds in New Zealand**

See previous instructions:
- BJ7.20 Effective 22/05/2017
- BJ7.20 Effective 24/03/2014
- BJ7.20 Effective 25/07/2011
- BJ7.20 Effective 29/11/2010

<table>
<thead>
<tr>
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<th>Principal applicants must meet the requirements for transferring and investing the nominated funds within 12 months of the date of the letter advising of approval in principle.</th>
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</thead>
<tbody>
<tr>
<td>b</td>
<td>Principal applicants may request an extension to the 12-month transfer and investment period (see BJ7.20.1).</td>
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<tr>
<td>c</td>
<td>Applications for a resident visa must be declined if principal applicants do not transfer and invest the nominated funds within 12 months (or up to a maximum of 24 months for Investor 1 applicants, or 18 months for Investor 2 applicants if an extension is granted, see BJ7.20.1 below) from the date of approval in principle.</td>
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<tr>
<td>d</td>
<td>Principal applicants must provide acceptable evidence of having transferred and invested the nominated funds no later than three months after the expiry of the approved timeframe to transfer and invest the funds (i.e. three months after the 12-, 18- or 24-month timeframe from the date of approval in principle).</td>
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**BJ7.20.1 Extending the timeframe for investing funds in New Zealand**

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<thead>
<tr>
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<th>Principal applicants may request an extension to their transfer and investment period for up to a further 12 months for Investor 1 applicants, or six months for Investor 2 applicants.</th>
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<tbody>
<tr>
<td>b</td>
<td>If a principal applicant wishes to request an extension to the timeframe for transferring and investing the nominated investment funds to New Zealand they must contact Business Migration of Immigration New Zealand within 12 months of the date of the letter advising of approval in principle and present evidence of reasonable attempts to transfer the nominated investment funds to New Zealand.</td>
</tr>
<tr>
<td>c</td>
<td>Following a principal applicant’s presentation of evidence a business immigration specialist may:</td>
</tr>
</tbody>
</table>

  | grant an extension to the transfer and investment period if they believe the evidence shows the principal applicant has made reasonable attempts to transfer and invest nominated investment funds within the 12-month time period; or |
  | decline to grant an extension to the transfer and investment period if they believe the principal applicant has not made reasonable attempts to transfer and invest nominated investment funds within the 12-month time period. |

**Effective 13/05/2019**
BJ7.25 When the investment period begins

a  If the investment already meets the investment requirements, the required investment period begins on the date of the letter of advising approval in principle.

b  If the investment is made after approval in principle, the required investment period will begin on the date the investment requirements are met.

c  The date the investment period begins is specified in the letter to the successful principal applicant that advises the conditions on their resident visa (see BJ8.10).

Effective 29/11/2010
BJ7.30 Evidence of the principal applicant’s investment

a Principal applicants must submit the following information and documentation as evidence of having invested funds:

i the full name of the investor; and

ii the amount invested in New Zealand dollars; and

iii the date the investment was made; and

iv the type of investment (in the case of shares or bonds in companies, the names of the companies invested in and the number of shares or bonds purchased must be listed); and

v documentary evidence of the investment; and

vi a letter from a reliable independent professional (for example, a solicitor or chartered accountant), confirming that the funds have been invested.

b A business immigration specialist, at their discretion, may require any other form of evidence.

Effective 29/11/2010
BJ7.40 Temporary visa to arrange transfer and/or investment of funds

See previous instructions:
BJ7.40 Effective 06/07/2015
BJ7.40 Effective 07/11/2011
BJ7.40 Effective 29/11/2010

a) After approval in principle, and upon application, a work visa may be granted to allow the principal applicant to arrange the transfer to, and investment of funds in, New Zealand.

b) The work visa will be granted with travel conditions allowing for multiple journeys to New Zealand for 12 months after approval in principle has been given. A further visa endorsed with travel conditions allowing for multiple journeys may be granted upon application for up to a further 12 months for Investor 1 applicants, or a further 6 months for Investor 2 applicants (see BJ7.20).

c) On application, visitor's visas may be granted for the same period to the principal applicant's partner and dependants (see WS2.1.1(d)).

d) Student visas may be granted for the same period on application to those of the principal applicant's dependants who wish to study, in accordance with current student instructions (see U8).

Effective 08/05/2017
BJ8 Resident visas
BJ8.1 Grant of resident visas

See previous instructions:
BJ8.1 Effective 10/11/2016
BJ8.1 Effective 07/12/2015
BJ8.1 Effective 29/11/2010

a  Resident visas may only be granted once principal applicants have:
   i  met the transfer requirements set out at BJ7.10; and
   ii placed the funds into an acceptable investment; and
   iii paid any applicable ESOL tuition fee(s) (see BF3.15).

b  A business immigration specialist must also be satisfied the applicant continues to meet the fit and proper person requirements set out at BM1.

c  Resident visas will be granted subject to conditions under section 49(1) of the Immigration Act 2009 in accordance with the instructions set out at BJ8.10.

Effective 22/05/2017
BJ8.10 Resident visas subject to conditions under section 49(1) of the Immigration Act

See previous instructions:
BJ8.10 Effective 21/11/2016
BJ8.10 Effective 11/04/2016
BJ8.10 Effective 29/11/2010

See also Immigration Act 2009 s 49

All resident visas granted under one of the Migrant Investment Categories are subject to the following conditions under section 49(1) of the Immigration Act 2009:

a  that the principal applicant retains an acceptable investment in New Zealand for a minimum of three years under the Investor 1 Category or four years under the Investor 2 Category; and

b  that the principal applicant spends a minimum period of time in New Zealand during the required investment period (see BJ8.15); and

c  that the principal applicant informs the nearest office of INZ of any changes of New Zealand address during the investment period; and

d  that a principal applicant who was awarded 1 point for English language ability (see BJ5.35) under the Investor 2 Category, must complete a minimum 20 hours of English language tuition with a New Zealand registered school or tertiary education provider as defined in the Education Act 1989 within the four year investment period; and

e  within three months of the two-year anniversary of the investment period, the principal applicant submits evidence that they are retaining an acceptable investment in New Zealand; and

f  within 3 months after the expiry date of the investment period, the principal applicant submit evidence to INZ that they have met requirements (a) and (d) if applicable.

g  that the principal applicant must provide evidence that ‘growth investments’ have been retained for the investment period

Effective 22/05/2017
BJ8.15 Section 49(1) condition: minimum period of time in New Zealand

See previous instructions:
BJ8.15 Effective 19/06/2017
BJ8.15 Effective 22/05/2017
BJ8.15 Effective 07/11/2011
BJ8.15 Effective 25/07/2011
BJ8.15 Effective 29/11/2010

As set out at BJ8.10(b), the principal applicant under each category of the Migrant Investment Categories must spend a minimum period of time in New Zealand during the required investment period. The time periods are:

a  Investor 1 Category:
   i  12% of each of the final two years of the three year investment period (44 days per year); or
   ii 88 days over the three year investment period (from their first day in New Zealand as a resident) if a minimum of NZ$2.5 million (25% of the NZ$10 million investment amount) is invested in ‘growth investments’ (see BJ3.15.1).

b  Investor 2 Category:
   i  40% of each of the final three years of the four year investment period (146 days per year); or
   ii 438 days over the four year investment period (from their first day in New Zealand as a resident) if a minimum of NZ$750,000 (25% of NZ$3 million) is invested in ‘growth investments’ (see BJ5.45).

Effective: 28/08/2017
BJ8.20 Investment transfers during the investment period

Investment funds may be transferred from one investment to another during the investment period, provided:

a. the funds remain invested in New Zealand in New Zealand currency at all times during the investment period; and

b. the investment of the funds continues, during the investment period, to meet all other requirements for investments.

Effective 29/11/2010
BJ9 Section 49(1) conditions
BJ9.1 Reminder from Immigration New Zealand to provide evidence of section 49(1) conditions being met

See previous instructions

BJ9.1 Effective 29/11/2010

a  Immigration New Zealand will attempt to contact the principal applicant:
   i   during the three months before the two-year anniversary; and
   ii  during the three months before the expiry of the required investment period requesting evidence that section 49(1) conditions are being met.

b  Evidence for all requirements must be provided no later than three months after the date of request.

Effective 22/05/2017
BJ9.5 End of investment period

Conditions under section 49(1) of the Immigration Act 2009 may be cancelled if the principal applicant provides evidence of compliance within three months after the expiry date of the investment period.

Effective 29/11/2010
BJ9.10 Retention of acceptable investment

See previous instructions
BJ9.10 Effective 29/11/2010

a The principal applicant will need to show that they have retained an acceptable investment in New Zealand for the required investment period.

b Suitable evidence will include documentation from a reliable independent professional (for example, a solicitor or chartered accountant) stating:
   i the full name of the investor; and
   ii the amount invested; and
   iii the date the investment was lodged; and
   iv the type of investment (in the case of shares or bonds, the names of the companies invested in and the number of shares or bonds purchased must be listed); and
   v confirmation that the funds were invested in New Zealand for the full investment period or, if transferred, the date of lodgement and withdrawal of the investment.

c If the principal applicant has established or purchased a shareholding or bonds in more than one business this information should be provided for each of the businesses.

d If the principal applicant has transferred funds between several organisations during the investment period, principal applicants should provide letters from every organisation they have invested with. Lodgement and withdrawal dates will be checked to ensure that funds have been held continuously in New Zealand for the required investment period.

e A business immigration specialist may request any other information in order to be satisfied that the above requirements have been met.

f Evidence that the requirements have been met includes:
   i submission of the evidence required by paragraphs (b) to (f) no later than three months after the two-year anniversary and the expiry date of the required investment period; and
   ii subsequent written confirmation on file (by a business immigration specialist) that the investment requirements have been met.

Note: The principal applicant must retain any nominated percentage in growth investments for the period of investment

Effective 22/05/2017
BJ9.15 Minimum period of time spent in New Zealand

The principal applicant is considered to have met the time in New Zealand requirement if they have been in New Zealand as a resident for the length of time specified under BJ8.15.

**Note:** At the two-year anniversary of the investment period, the principal applicant must have met the required minimum amount of time in New Zealand for the preceding 12 month period.

*Effective 29/11/2010*
BJ9.20 English language tuition

a The principal applicant who was granted a resident visa under the Investor 2 category is considered to have met the English tuition requirements if they have completed a minimum of 20 hours of English language tuition with a New Zealand registered school or tertiary education provider as defined in the Education Act 1989 within the four year investment period.

b Suitable evidence can include a certificate of course completion.

Effective 29/11/2010
BJ9.25 Non compliance with section 49(1) conditions

If section 49(1) conditions have not been complied with at the two-year anniversary check and at the end of the required investment period, the holder of the resident visa may be made liable for deportation.

Effective 29/11/2010
BJ9.30 Compliance with section 49(1) conditions

a When the principal applicant has satisfied an immigration officer that they have met the section 49(1) conditions at the two-year anniversary of the investment period will be eligible for a variation of travel conditions to allow travel for a further two years (RV3.15).

b When the principal applicant has satisfied an immigration officer at the end of the required investment period, that the conditions on their resident visa under section 49(1) have been complied with, those requirements will be cancelled and the officer will advise the applicant in writing.

Effective 29/11/2010
BM Fit and proper person requirements
BM1 Requirement to be a fit and proper person

a Principal applicants must meet fit and proper person requirements (see BM2), if applying under:
   i Migrant Investor categories; or
   ii Entrepreneur Work Visa category; or
   iii Entrepreneur Resident Visa category; or
   iv Employees of Relocating Businesses category; or
   v the Global Impact Visa programme.

b Requiring applicants to be ‘fit and proper’ people ensures applicants are accountable for the actions of businesses they influence.

Effective 10/11/2016
BM2 Definition of a ‘fit and proper’ person

See previous instructions
BM2 Effective 10/11/2016

a Applicants are ‘fit and proper’ people if:
  i all businesses they have influence over have complied with all relevant immigration, employment and taxation laws; and
  ii they have never been convicted of any offence arising in the course of, or resulting from, business dealings; and
  iii they have never been convicted of an offence involving dishonesty in New Zealand or a foreign country; and
  iv they have never been involved in business fraud or financial impropriety.

b It is not relevant to the assessment of a ‘fit and proper’ person where the business operates or is registered, or whether the applicant has subsequently ceased to hold a position of influence.

c Relevant law includes, but is not limited to the:
  i Accident Compensation Act 2001; and
  ii Employment Relations Act 2000; and
  iii Health and Safety at Work Act 2015; and
  iv Holidays Act 2009; and
  v Immigration Act 2009; and

d Applicants are considered to have influence over a business if they exercise significant influence over its management and administration. This includes, but is not limited to, when acting as a director or senior manager.

Effective 08/05/2017
**BM2.1 Applications usually deferred**

See previous instruction

**BM2.1 Effective 08/05/2017**

**a** Applications under business instructions will usually be deferred for up to six months if, at the time the application is assessed the applicant:
   
i. has been charged with any offence which, on conviction, would result in the applicant failing to meet BM2(a)(ii) apply to that person; or
   
ii. is under investigation for such an offence.

**b** Where BM2.1(a) applies at the time an application under business instructions is assessed, an immigration officer must:
   
i. defer the decision on the application for up to six months; and
   
ii. inform the applicant in writing of the decision to grant a deferral and the period of the deferral; and
   
iii. await the outcome of the charge or investigation.

**c** If during the deferral period the investigation is completed with no further action taken or any case that resulted from charges or investigation is resolved, an immigration officer must continue processing the application and apply the fit and proper person instructions as per BM2; and

**d** If the charge or investigation is still outstanding, or subsequent charges have been laid, when the deferral period is coming to an end, the application should be referred to a Head of Operations or Visa Operations Manager for their decision on whether to impose a second or subsequent deferral as per BM2.1.1.

**BM2.1.1 Second and subsequent deferral periods**

**a** In cases where the deferral period is coming to an end and the applicant is still awaiting the outcome of the charge or investigation, a second or subsequent deferral period may be imposed.

**b** A decision on a second or subsequent deferral will only be made after appropriate consultation with Visa Services Operations Support and the Legal Services of the Ministry of Business, Innovation and Employment about:
   
i. whether a second or subsequent deferral is justified in the circumstances; and
   
ii. whether the deferral period is reasonable, given the likely timeframe of any outcome being reached and the efforts the applicant is making to reach an outcome.

**c** A decision to grant a second deferral must be made by a Head of Operations or Visa Operations Manager or above.

**d** If the applicant is still awaiting the outcome of the charge or investigation by the end of the second deferral period, the Head of Operations or Visa Operations Manager may impose a subsequent deferral under the provisions at BM2.1.1.

**e** The length of the subsequent deferral period will be decided according to how long it is expected for a decision on the charge or investigation will take.

**f** The applicant must be informed in writing of any decision to impose a second or subsequent deferral and the period of the deferral.

**Effective 13/05/2019**
BM3 Applicants who are not ‘fit and proper’ people

a Despite BM2, where an application otherwise meets all requirements for approval and there has been an incident of non-compliance with any relevant immigration, employment or taxation law in force, a business immigration specialist may nevertheless approve the application where:
   i they are satisfied the breach of requirements was of a minor nature; and
   ii evidence is provided that satisfies a business immigration specialist the cause and consequences of the breach have been remedied.

b To determine the nature of the non-compliant activity, a business immigration specialist may consult with WorkSafe New Zealand, the Labour Inspectorate, the Accident Compensation Corporation or any other relevant agency.

Effective 10/11/2016

Family Categories
IN THIS SECTION

F1 Objective............................................................................................................................................... 297
F2 Partnership Category ............................................................................................................................ 298
F3 Parent Retirement Category .................................................................................................................. 312
F4 Parent Category .................................................................................................................................... 328
F5 Dependent Child Category .................................................................................................................... 347
F6 Sibling and Adult Child Category (to 16/05/2012)............................................................................ 359
F7 Inter-country adoption .......................................................................................................................... 360
F1 Objective

The objectives of the Family Categories are to:

a. strengthen families and communities, while reinforcing the Government's overall objectives in immigration instructions; and

b. contribute to New Zealand's economic transformation and social development.

Effective 29/11/2010
F2 Partnership Category
F2.1 Objective

Partnership Category contributes to the overall objective of the Family Categories (see F1) by allowing the partners of New Zealand citizens and residence class visa holders to apply for a residence class visa in order to live with their partner in New Zealand.

Note: Partners of New Zealand citizens and residence class visa holders do not have an automatic right of residence in New Zealand.

Effective 29/11/2010
F2.5 How do partners of New Zealand citizens and residents qualify for a residence class visa?

See previous instructions:
F2.5 Effective 19/08/2013
F2.5 Effective 07/11/2011
F2.5 Effective 29/11/2010

a To be granted a residence class visa under Partnership Category applicants must provide sufficient evidence to satisfy an immigration officer that they have been living together for 12 months or more in a partnership that is genuine and stable with a New Zealand citizen or resident.

b For the purpose of these instructions 'partnership' means:
   i a legal marriage; or
   ii a civil union; or
   iii a de facto relationship
and 'partner' means one of the parties to such a partnership indicated in (i), (ii) and (iii) above.

c In each case the onus of proving that the partnership on which the application is based is genuine and stable lies with the principal applicant and their New Zealand partner.

d An application under Partnership Category will be declined if:
   i the application is not supported by an eligible New Zealand citizen or resident partner; or
   ii an immigration officer is not satisfied that the partnership on which the application is based is genuine and stable; or
   iii the applicant and New Zealand citizen or resident partner have not lived together for 12 months or more at the time the application is lodged; or
   iv the application is based on marriage or a civil union to a New Zealand citizen or resident and either that New Zealand citizen or resident, or the principal applicant is already married to or in a civil union with another person; or
   v both the principal applicant and the New Zealand citizen or resident partner cannot satisfy an immigration officer they comply with the minimum requirements for recognition of partnerships (see F2.15); or
   vi the applicant(s) does not meet health and character requirements (see A4 and A5).

e Applications for residence under Partnership Category will also be declined if the principal applicant was a partner to the eligible New Zealand partner but not declared on the eligible New Zealand partner’s application for a residence class visa (if applicable), unless an immigration officer is satisfied the non-declaration occurred with:
   i no intention to mislead; and
   ii would not have resulted in a different outcome in the eligible New Zealand partner’s application.

If both these clauses are met, an immigration officer should continue to assess the application and may approve it if all other requirements are met.

Note: Notwithstanding (e) above, officers should not decline an application on the basis of this provision without first providing the principal applicant an opportunity to explain the non-declaration in accordance with R5.15 Explaining discrepancies in family details.

F2.5.1 Eligibility for a permanent resident visa for partners of New Zealand citizens living overseas

a A principal applicant may be granted a permanent resident visa (RA1.5) if:
   i they meet all the other criteria for a residence class visa under the Partnership Category; and
   ii they have a New Zealand citizen partner who has been residing outside New Zealand for a period of at least five years at the time the application is made; and
iii the couple have been living together in a genuine and stable relationship for at least five years at the time the application is made.

b To meet the requirements of a(iii) above, the New Zealand citizen partner must either be
   i outside New Zealand at the time the application is made; or
   ii have been in New Zealand for less than three months after residing outside New Zealand for at least five years at the time the application is made.

c For the purposes of these instructions, residing outside New Zealand means spending less than 3 months in New Zealand in each of the five 12 month periods immediately preceding either:
   i the date the application is made (if the application was made outside New Zealand); or
   ii the date the New Zealand citizen partner arrived in New Zealand (if the application was made in New Zealand).

d Any secondary applicants included in an application where the principal applicant is eligible for a permanent resident visa under these instructions may also be granted a permanent resident visa (RA1.5).

e Any applicants who do not meet the criteria set out in this section but who meet all other requirements of the Partnership Category should be granted a resident visa (RA1.1).

Effective 08/05/2017
**F2.10 Definitions**

See previous instructions:
F2.10 Effective 29/05/2017
F2.10 Effective 08/05/2017
F2.10 Effective 01/04/2014
F2.10 Effective 02/12/2013
F2.10 Effective 08/04/2013
F2.10 Effective 29/11/2010

**F2.10.1 Definition of ‘genuine and stable’ partnership**

A partnership is genuine and stable if an immigration officer is satisfied that it:

a  is genuine, because it has been entered into with the intention of being maintained on a long-term and exclusive basis; and

b  is stable, because it is likely to endure.

**F2.10.2 Definition of the ‘New Zealand partner’**

For the purposes of the Partnership Category, the New Zealand partner is the New Zealand citizen or resident who is supporting an application for a residence class visa made by their non-New Zealand citizen or resident partner.

**F2.10.5 Definition of ‘New Zealand resident’ for the purposes of Partnership Category**

a  New Zealand resident means a person who:

i  holds, or is deemed to hold, a current New Zealand residence class visa; or

ii  holds a valid Australian passport.

b  Despite (a) above, the following people are defined as New Zealand residents for the purposes of Partnership Category only where an immigration officer is satisfied that New Zealand is their primary place of established residence at the time the application under Partnership is made and at the time of assessment of the application:

i  holders of valid Australian passports who do not hold a current New Zealand residence class visa;

ii  holders of current New Zealand residence class visas that have been granted on the basis that the person is the holder of a current Australian permanent residence visa, or a current Australian resident return visa.

c  Where (b) applies, evidence must be provided that the eligible New Zealand partner’s primary place of established residence is New Zealand. The evidential requirements are set out at F2.20.5.

**F2.10.10 Definition of ‘eligible to support a residence class visa application under the Partnership Category’**

a  For a New Zealand partner (F2.10.2) to be eligible to support a residence class visa application under the Partnership Category they:

i  must not have acted as a partner in more than one previous successful residence class visa application (see (b) below); and

ii  must not have acted as a partner in a successful application for a residence class visa in the five years immediately preceding the date the current application is made; and

iii  the New Zealand partner cannot have been the perpetrator of an incident of family violence which has resulted in the grant of a resident visa to a person under the category for victims of family violence (see S4.5); and

iv  must meet the character requirement for partners supporting applications made under the Partnership Category as set out in R5.95
v must not be liable for deportation, or be a person whose deportation liability has been suspended.

b A New Zealand partner is considered to have acted as a partner if they previously:

i supported a successful Partnership Category application for a residence class visa; or

ii were the principal applicant in a successful Partnership Category application for a residence class visa; or

iii were the principal applicant in a successful application for a residence class visa that included a secondary applicant partner, excluding residence class visa applications made under RV After the grant of a resident visa; or

iv were a secondary applicant partner in a successful application for a residence class visa, excluding residence class visa applications made under RV After the grant of a resident visa.

Note: Applications under Partnership Category include applications made under the Family Category Spouse and De facto partner policy in force before Partnership Category took effect.

Effective 23/12/2019
**F2.15 Minimum requirements for the recognition of partnerships**

Partnerships will only be recognised for the purposes of these instructions if:

a. the couple are both aged 18 years or older at the time that the application for a residence class visa was lodged; or

b. (if one or both of the parties to the partnership are aged 16 years or older but are less than 18 years of age at the time their application for a residence class visa is lodged), they have the support of the parent(s) or guardian(s) of that (those) party(ies); and

c. the couple have met prior to the date the application under these instructions is made; and

d. the couple are not close relatives.

**Note:** For the purposes of these instructions relationships between close relatives are considered to be:

i. relationships specified as "prohibited degrees of marriage" under Schedule 2 of the Marriage Act 1955;

ii. relationships specified as "prohibited degrees of civil union" under Schedule 2 of the Civil Union Act 2004; and

iii. de facto relationships equivalent to the provisions under Schedule 2 of the Marriage Act 1955 and under Schedule 2 of the Civil Union Act 2004.

*Effective 19/08/2013*
F2.20 Evidence

See previous instructions:
F2.20 Effective 29/11/2010

a Evidence supporting an application under Partnership Category for a residence class visa should include as much information and as many documents as are necessary to show that:
   i the principal applicant's partner:
      o is a New Zealand citizen or resident (see F2.10.5); and
      o supports their application for a residence class visa under the Partnership Category; and
      o is eligible to support an application under partnership instructions (see F2.10.10); and
   ii the principal applicant and their New Zealand citizen or resident partner are living together in a partnership that is genuine and stable.

b Factors that have a bearing on whether two people are living together in a partnership that is genuine and stable include but are not limited to:
   i the duration of the parties relationship;
   ii the existence, nature, and extent of the parties' common residence;
   iii the degree of financial dependence or interdependence, and any arrangements for financial support, between the parties;
   iv the common ownership, use, and acquisition of property by the parties;
   v the degree of commitment of the parties to a shared life;
   vi children of the partnership, including the common care and support of such children by the parties;
   vii the performance of common household duties by the partners; and
   viii the reputation and public aspects of the relationship.

c The items listed in F2.20.1 to F2.20.15 below are examples of relevant evidence; other documents may also be relevant.

F2.20.1 Evidence that partner is New Zealand citizen or resident

a Evidence that a partner is a New Zealand citizen may include but is not limited to:
   i a New Zealand passport; or
   ii a New Zealand birth certificate issued prior to 1 January 2006; or
   iii a New Zealand birth certificate issued on or after 1 January 2006 that positively indicates New Zealand citizenship; or
   iv a certificate of New Zealand citizenship; or
   v a confirmation of New Zealand citizenship by descent certificate issued under the Citizenship Act 1977; or
   vi an evidentiary certificate issued under the Citizenship Act 1977 confirming New Zealand citizenship.

b Evidence that a partner is a New Zealand resident may include but is not limited to:
   i a current resident visa or permanent resident visa; or
   ii evidence that the partner is deemed to hold a resident visa or permanent resident visa; or
   iii a valid Australian passport.

F2.20.5 Evidence that New Zealand is the primary place of established residence

a Evidence that New Zealand is the New Zealand partner’s primary place of established residence may include but is not limited to:
   • correspondence addressed to the sponsor
• employment records
• records of benefit payments from the Ministry of Social Development
• banking records
• rates demands
• Inland Revenue records
• mortgage documents
• tenancy and utility supply agreements
• documents showing that the New Zealand partner’s household effects have been moved to New Zealand.

b The presence or absence of any of the documents listed above is not determinative. Each case will be decided on the basis of all the evidence provided.

F2.20.10 Evidence of support by New Zealand citizen or resident partner
A principal applicant must provide a Partnership Support Form for Residence (INZ 1178) which:

a [confirms that the New Zealand partner is a New Zealand citizen or resident; and

b confirms support for the application; and
• includes a declaration that the New Zealand partner:
• is eligible to support a partnership application (see F2.10.10); and
• is in a partnership with the principal applicant that meets the minimum requirements for recognition of partnerships (see F2.15).

F2.20.15 Evidence of living together in partnership that is genuine and stable

a Evidence that the principal applicant and partner are living together may include but is not limited to documents showing shared accommodation such as:
i joint ownership of residential property
ii joint tenancy agreement or rent book or rental receipts
iii correspondence (including postmarked envelopes) addressed to both principal applicant and partner at the same address.

b If a couple has been living separately for any period during their partnership, they should provide evidence of the length of the periods of separation, the reasons for them, and how their relationship was maintained during the periods of separation, such as letters, itemised telephone accounts or e-mail messages.

c Evidence about whether the partnership is genuine and stable may include but is not limited to documents and any other information such as:
i a marriage certificate for the parties;
ii a civil union certificate for the parties;
iii birth certificates of any children of the parties;
iv evidence of communication between the parties;
v photographs of the parties together;
vi documents indicating public recognition of the partnership;
 vii evidence of the parties being committed to each other both emotionally and exclusively such as evidence of:
o joint decision making and plans together
o sharing of parental obligations
o sharing of household activities
o sharing of companionship/spare time
o sharing of leisure and social activities
o presentation by the parties to outsiders as a couple.

viii evidence of being financially interdependent such as evidence of
  o shared income
  o joint bank accounts operated reasonably frequently over a reasonable time
  o joint assets
  o joint liabilities such as loans or credit to purchase real estate, cars, major home appliances
  o joint utilities accounts (electricity, gas, water, telephone)
  o mutually agreed financial arrangements.

ix The presence or absence of any of the documents, information or evidence listed above is not determinative. Each case will be decided on the basis of all the evidence provided. Evidence about these matters may also be obtained at interview and can be considered up until the date of final decision.

Effective 07/05/2018
F2.25 Verification

See previous instructions F2.25 Effective 29/11/2010

F2.25.1 Interviews

a. Immigration officers will usually conduct an interview with both the principal applicant and their partner to determine whether the couple is living together in a partnership that is genuine and stable.

b. Interviews may be waived if an immigration officer is satisfied without an interview that the couple is living together in a partnership that is genuine and stable.

c. Immigration officers may also make home visits and conduct interviews with any other person relevant to the application.

d. Home visits may only be made between the hours of 7.00 am and 9.00 pm so long as the time of the visit is reasonable in the circumstances.

F2.25.5 Family details

Immigration officers may refer to former applications lodged by applicants, family members of applicants, or partners in order to verify declarations made by applicants about their family details (such as the number of family members, the whereabouts of family members, or an applicant’s or partner’s marital status).

Effective 08/05/2017
F2.30 Determining if the couple is living together in a partnership that is genuine and stable

a  When determining if the couple is living together in a partnership that is genuine and stable the immigration officer will take into account those factors set out at F2.20(b) and must consider, and be satisfied, there is sufficient proof, (from documents, other corroborating evidence, or interviews) of all four of the following elements:

i  'Credibility': the principal applicant and the partner both separately and together, must be credible in any statements made and evidence presented by them.

ii  'Living together': the principal applicant and partner must be living together unless there are genuine and compelling reasons for any period(s) of separation (see F2.30.1).

iii  'Genuine partnership': the principal applicant and partner must both be found to be genuine as to their:

   o reasons for marrying, entering a civil union or entering into a de facto relationship; and

   o intentions to maintain a long term partnership exclusive of others.

iv  'Stable partnership': the principal applicant and partner must demonstrate that their partnership is likely to endure.

b  A residence class visa must not be granted unless the immigration officer is satisfied, having considered each of the four elements in (a) above (both independently and together) that the couple is living together in a partnership that is genuine and stable.

Note: The onus of satisfying an immigration officer that the partnership is genuine and stable lies with the principal applicant and their partner (see F2.5(c)).

F2.30.1 Assessment of periods of separation

a  If a principal applicant and their partner have lived apart for periods during their partnership, the application should not automatically be declined. Instead, immigration officers should determine whether there are genuine and compelling reasons for any period(s) of separation.

b  Determining whether there are genuine and compelling reasons will depend on the circumstances in each case, and may require consideration of:

   •  either partner’s family, education or employment commitments;

   •  the duration of the partnership and the length of time the couple has spent apart;

   •  the extent to which the couple has made efforts to be together during the time apart.

Effective 29/11/2010
F2.35 Deferring the final decision if the partnership is genuine and stable but less than 12 months duration (to 08/05/2017)

**Note:** These instructions cease to be effective from 8 May 2017.

a. An application can only be deferred if the applicant has been assessed as living together in a genuine and stable partnership with their New Zealand citizen or resident partner but the 12 month qualifying period has not been met.

b. If, after assessing an application, an immigration officer is satisfied the couple are living together in a partnership that is genuine and stable, but the duration of that partnership is less than the 12 months required, (see F2.5(a)) they may defer the final decision to enable the qualifying period to be met.

c. If the principal applicant wishes to be in New Zealand with their partner during the deferral period, they may be granted a work visa (once an application has been made) for a period sufficient to enable the qualifying period to be met and any further assessment of their residence class visa application to be completed.

*Effective 29/11/2010*
F2.40 General rules
See previous instructions:
F2.40 Effective 28/08/2017
F2.40 Effective 02/12/2013
F2.40 Effective 01/07/2013
F2.40 Effective 29/11/2010

F2.40.1 English language requirements
a If an applicant was eligible to be included as a partner or a dependent child of a principal applicant in an earlier successful application under the General Skills Category, Skilled Migrant Category, Residence From Work Category, Business Immigration Instructions or previous Business Investor Category, but was not at that time included in the application, they will have to meet the criteria of the English language instructions applicable at the time the application under the Partnership Category is made.

b Such an applicant will be subject to the applicable English language instructions as if they were a non-principal applicant under the Skilled Migrant Category or Business Immigration Instructions.

c An applicant who would have been eligible for inclusion in an earlier General Skills Category or Skilled Migrant Category application will be subject to the English language of the Skilled Migrant Category applicable at the time the application under Partnership Category is made.

d An applicant who would have been eligible for inclusion in an earlier Business Investor category or Business Immigration Instructions application will be subject to the English language requirements of Business Immigration Instructions applicable at the time the application under Partnership Category is made.

F2.40.5 Applications under Partnership Category of persons eligible for inclusion in earlier registrations or expressions of interest
If the principal applicant in an application under Partnership Category was eligible for inclusion in a successful registration under the Family Quota, the Refugee Family Support Category, Samoan Quota Scheme or the Pacific Access Category, or in an expression of interest under the Parent Category or Community Organisation Refugee Sponsorship category from which an invitation to apply was subsequently issued, but was not included, they must not subsequently be granted residence under Partnership Category.

F2.40.10 Resident visas with conditions imposed under section 49(1)
If a New Zealand partner holds a resident visa subject to conditions (excluding travel conditions) imposed under section 49(1) of the Immigration Act 2009, then the principal applicant’s resident visa will be subject to the condition that the New Zealand resident partner complies with those conditions (see R5.65.1).

Effective 15/12/2017
F3 Parent Retirement Category
F3.1 Objective

The objective of the Parent Retirement Category is to provide a residence class visa to those with family links to New Zealand who wish to make a significant contribution to New Zealand’s economy.

Effective 29/11/2010
**F3.5 Parent Retirement Category requirements**

a  For an application to be approved under the Parent Retirement Category the principal applicant must:

   i  nominate funds and/or assets equivalent in value to at least NZ$1 million and undertake to invest them in New Zealand for a period of four years; and

   ii  demonstrate ownership of these funds and/or assets and that they have been legally earned or acquired; and

   iii  transfer and place the funds in an acceptable investment in accordance with the instructions at F3.10.25; and

   iv  nominate NZ$0.5 million of settlement funds and demonstrate ownership of these funds and/or assets; and

   v  demonstrate an annual income of at least NZ$60,000; and

   vi  meet the Family requirements as set out at F3.20.

b  The principal applicant and any secondary applicant included in the application must meet health and character requirements (see A4 and A5).

*Effective 29/11/2010*
**F3.10 Investment funds**

See previous instructions:
F3.10 Effective 07/11/2011  
F3.10 Effective 25/07/2011  
F3.10 Effective 29/11/2010

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a  The principal applicant must invest a minimum of NZ$1 million in New Zealand for a period of four years.

b  The principal applicant must:
   i  nominate funds and/or assets equivalent in value to NZ$1 million; and
   ii  demonstrate ownership of these funds and/or assets.

c  All invested funds must meet the conditions of an acceptable investment as set out under F3.10.25.

**F3.10.1 Ownership of nominated funds and/or assets**

a  Nominated funds and/or assets may be owned either:
   i  solely by the principal applicant; or
   ii  jointly by the principal applicant and partner who are included in the resident visa application,
       provided a business immigration specialist is satisfied 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)). 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 (with the exception of New Zealand based-funds
   or assets) 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 were earned legally by the person(s) gifting the funds and/or
   assets.

d  The nominated funds and/or assets must be unencumbered.

e  The nominated funds and/or assets must not be borrowed.

**Note:** New Zealand-based funds or assets cannot be gifted under these instructions.

**F3.10.5 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 criminal law of New Zealand.

**F3.10.10 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.
F3.10.15 Funds already held in New Zealand

a Funds held in New Zealand at the time the application is made may be included in investment funds. However, periods of investment in New Zealand before Approval in Principle cannot be taken into account when calculating the four-year investment period.

b Funds held in New Zealand must originally have been transferred to New Zealand through the banking system, or a foreign exchange company that uses the banking system from the country or countries in which they were earned or acquired legally, or have been earned or acquired legally in New Zealand.

F3.10.20 Evidence of the principal applicant’s nominated funds and assets

a Principal applicants must provide evidence of net funds and/or assets to the value of the required investment funds.

b All documents provided as valuations of assets must be:
   i no more than three months old at the date the resident visa application is made; and
   ii produced by a reliable independent agency.

c A business immigration specialist may seek further evidence if they:
   i are not satisfied with the valuation provided; or
   ii consider that the nominated funds and/or assets fail in some other way to meet the rules for investment funds.

F3.10.25 Definition of ‘acceptable investment’

a An acceptable investment means an investment that:
   i is capable of a commercial return under normal circumstances; and
   ii is not for the personal use of the applicant(s) (see F3.10.30); and
   iii is invested in New Zealand in New Zealand currency; and
   iv is invested in lawful enterprises or managed funds that comply with all relevant laws in force in New Zealand (see F3.10.35); and
   v has the potential to contribute to New Zealand’s economy; and
   vi is invested in either one or more of the following:
      o bonds issued by the New Zealand government or local authorities; or
      o bonds issued by New Zealand firms traded on the New Zealand Debt Securities Market (NZDX); or
      o bonds issued by New Zealand firms with at least a BBB- or equivalent rating from internationally recognised credit rating agencies (for example, Standard and Poor’s); or
      o equity in New Zealand firms (public or private including managed funds) (see F3.10.35); or
      o bonds issued by New Zealand registered banks; or
      o equities in New Zealand registered banks; or
      o residential property development(s) (see F3.10.40); or
      o bonds in finance companies (see F3.10.25 (c)).

Note: For the purposes of these instructions, convertible notes are considered to be an equity investment.

New Zealand registered banks are defined by the New Zealand Reserve Bank Act 1989.

b Notwithstanding (a) above, where an investment fails to meet one of the acceptable investment requirements, a business immigration specialist may consider, on a case by case basis, whether the failure was beyond the control of the principal applicant and if satisfied that this was the case, may consider the investment acceptable.

c A Business Immigration Specialist may consider bonds in finance companies as an acceptable investment where the finance company:
i is a wholly-owned subsidiary of,
ii raises capital solely for, and
iii has all its debt securities unconditionally guaranteed by a New Zealand Stock Exchange listed company or a local authority.

**Note:** The value of an investment is based on the net purchase price (for example, less any accrued interest, commission, brokerage and/or trade levy), not on the face value of the investment.

**F3.10.30 Personal use of investment funds**

Personal use includes investment in assets such as a personal residence, car, boat or similar.

**F3.10.35 Managed funds**

a For the purposes of these instructions, managed funds are defined as either:
   i a managed fund investment product offered by a financial institution; or
   ii funds invested in equities that are managed on an investor's behalf by a fund manager or broker.

b In order to be acceptable as a form of investment managed funds must be invested only in New Zealand companies. Managed fund investments in New Zealand with international exposure are acceptable only for the proportion of the investment that is invested in New Zealand companies.

**Example:** Only 50 percent of a managed fund that equally invests in New Zealand and international equities would be deemed to be an acceptable investment as set out in F3.15.25.

**F3.10.40 Residential property development**

For the purposes of these instructions, residential property development(s) is defined as property(ies) 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(ies) 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 principal investor, may reside in the development; and

f the costs associated with obtaining any regulatory approval (including any resource or building consents) are not part of the principal applicant’s acceptable investments.

*Effective 30/07/2012*
**F3.15 Settlement funds and annual income**

See previous instructions F3.15 Effective 29/11/2010

**F3.15.1 Aim and intent**

Principal applicants under the Parent Retirement Category must demonstrate that they have the ability to support themselves and their partner included in the resident visa application during the four year investment period in New Zealand.

**F3.15.5 Requirement for settlement funds and annual income**

In addition to their nominated investment funds, principal applicants must demonstrate:

a. ownership of a minimum of NZ$0.5 million; and

b. an annual income of at least NZ$60,000 at the time of application.

**F3.15.10 Ownership of settlement funds**

a. Funds may be owned either:
   
   i. solely by the principal applicant; or
   
   ii. jointly by the principal applicant and their partner who are included in the resident visa application.

b. The principal applicant may claim the full value of jointly owned funds or assets for assessment purposes provided a business immigration specialist is satisfied the principal applicant and partner have been living together for 12 months or more in a genuine and stable partnership (see R2.1.15, R2.1.15.1 (b) and R2.1.15.5 (a) (i)).

c. If funds 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 the funds or assets for which they provide evidence of ownership.

**F3.15.15 Evidence of settlement funds**

Evidence of settlement funds may include, but is not limited to:

- funds held in a New Zealand bank account(s)
- funds held in an offshore bank account(s), together with evidence that the funds can be accessed from New Zealand
- acceptable evidence of net assets (either in New Zealand or offshore).

**F3.15.20 Annual income**

Annual income may be:

a. earned solely by the principal applicant; or

b. a combined income of the principal applicant and partner (see R2.1.10) who is included in the resident visa application.

**F3.15.25 Evidence of annual income**

Evidence of annual income may include, but is not limited to:

- pensions
- earnings from rental properties
- dividends from share portfolios
- interest from investments
• profits from company ownership
• share market trading.
F3.20 Family requirements

See previous instructions:
F3.20 Effective 29/07/2013
F3.20 Effective 30/07/2012
F3.20 Effective 29/11/2010

a  The principal applicant must:
   i  be the parent of an adult child whose primary place of established residence is New Zealand and is a New Zealand citizen or a residence class visa holder not subject to conditions under section 49 of the Immigration Act 2009; and
   ii have no dependent children (R2.1.30).

b  An adult child who arrived in New Zealand as a member of a mass arrival group (as specified at C8.5.1) and who was not an unaccompanied minor when they arrived (see C8.5.5) will not be considered when applying the requirements of (a)(i) above.

F3.20.1 Evidence of relationship of parent(s) to children

a  Evidence of a parent's relationship to their children is original or certified copies of:
   i  birth certificates establishing the relationship of the children to the parent(s); or
   ii household registration documents, if these establish the relationship of the children to the parent(s); or
   iii evidence of adoption (see R3), which establishes the relationship of the children to the parents.

b  Other evidence establishing the relationship of the children to the parents may also be provided.

F3.20.5 Evidence of immigration status of adult child

a  Evidence that the principal applicant's adult child is a New Zealand citizen may include but is not limited to original or certified copies of:
   • a valid New Zealand passport
   • a Certificate of New Zealand Citizenship
   • a recent official statement of citizenship from the Department of Internal Affairs
   • a New Zealand birth certificate
   • an endorsement in a foreign passport indicating the fact of New Zealand citizenship.

b  Evidence that the adult child is a New Zealand residence class visa holder (or is deemed to hold a residence class visa) may include but is not limited to original or certified copies of:
   • a New Zealand resident visa or permanent resident visa in their passport or travel document
   • a New Zealand residence permit or returning resident’s visa granted under the Immigration Act 1987 in their passport or travel document
   • a valid Australian passport.

F3.20.10 Evidence that New Zealand is the primary place of established residence

a  Evidence that New Zealand is the New Zealand adult child’s primary place of established residence may be required where the adult child appears to have spent significant periods outside New Zealand.

b  Evidence includes but is not limited to:
   o correspondence addressed to the adult child
   o employment records
   o records of benefit payments from the Ministry of Social Development
   o banking records
   o rates demands
   o Inland Revenue records
o mortgage documents
o tenancy and utility supply agreements
o documents showing that the New Zealand adult child household effects have been moved to New Zealand.

c The presence or absence of any of the documents listed above is not determinative. Each case will be decided on the basis of all the evidence provided.

Effective 06/07/2015
**F3.25 Approval in principle and transfer of funds**

See previous instructions:

F3.25 Effective 08/05/2017
F3.25 Effective 07/12/2015
F3.25 Effective 06/07/2015
F3.25 Effective 25/08/2014
F3.25 Effective 30/07/2012
F3.25 Effective 25/07/2011
F3.25 Effective 29/11/2010

**F3.25.1 Aim and intent**

The instructions regarding the nominated investment funds and/or assets and the method of transfer of those funds to New Zealand is designed to ensure:

a. the legitimacy and lawful ownership of the nominated funds and/or assets; and

b. the direct transfer of the investment funds through a structured and prescribed process to guarantee on-going legitimacy and lawful ownership of the funds invested in New Zealand.

**F3.25.5 Approval in principle**

Principal applicants who are assessed as meeting the requirements under the Parent Retirement Category will be advised that:

a. their application has been approved in principle; and

b. resident visas may be granted once they:
   
   i. provide acceptable evidence of having transferred and invested the nominated funds in accordance with the relevant requirements set out in instructions; and
   
   ii. provide a New Zealand address at which they can be contacted by mail, after they arrive in New Zealand; and

   c. resident visas will be granted subject to conditions under section 49(1) of the Immigration Act 2009.

**F3.25.10 Transfer of the nominated investment funds**

a. When their application is approved in principle, the principal applicant will be required to transfer the nominated investment funds to New Zealand. These funds must:
   
   i. be the funds initially nominated, or the funds that result from the sale of the same assets as those initially nominated, in the resident visa application; or
   
   ii. be funds, as agreed to by a business immigration specialist, secured against the nominated assets in the resident visa application and as approved in accordance with (b) below; and
   
   iii. be transferred through the banking system directly from the principal applicant’s bank account(s) to New Zealand; or
   
   iv. be transferred by a foreign exchange company to New Zealand through the banking system. Business immigration specialists may not accept the transferred funds if the applicant cannot provide satisfactory evidence of the following:
      
      o the nominated investment funds have been transferred to the foreign exchange company directly from the principal applicant’s bank account(s); and
      
      o the nominated investment funds have not been transferred through the foreign exchange company contrary to the criminal law of New Zealand; and
      
      o nominated investment funds transferred are traceable; and
      
      o cash transactions were not made; and
      
      o the foreign exchange company is not suspected of, or proven to have committed fraudulent activity or financial impropriety in any country it operates from or in.
b A business immigration specialist may consider, on a case by case basis, borrowed funds as acceptable investment funds where the principal applicant is able to demonstrate that:
   i they own net assets equal or greater in value to the required investment amount; and
   ii the borrowed investment funds will be from a bank or commercial lending institution acceptable to a business immigration specialist and will be secured against the assets identified under (i); and
   iii it is not economically viable or practical to liquidate the nominated assets eg sell a business.

c The investment funds that are transferred to New Zealand and subsequently into an acceptable investment must be from the same source of funds as nominated in the resident visa application.

Note: Nominated funds held in a country other than the country in which they were earned or acquired legally must have been originally transferred through the banking system, or a foreign exchange company that uses the banking system from that country.

F3.25.15 Evidence of the transfer of the nominated funds to New Zealand

a Acceptable evidence of the transfer of the nominated funds must be provided by way of the telegraphic transfer documentation together with a current bank statement showing the transfer(s).

b A business immigration specialist may request any other information to satisfy them that the above requirements have been met.

F3.25.20 Time frame for investing funds in New Zealand

a Principal applicants must meet the requirements for transferring and investing the nominated funds within 12 months of the date of the letter advising of approval in principle.

b Applications for residence must be declined if principal applicants do not present acceptable evidence of having transferred and invested the nominated funds within 12 months from the date of approval in principle.

c Principal applicants must provide acceptable evidence of having transferred and invested the nominated funds no later than three months after the expiry of the approved timeframe to transfer and invest the funds (i.e. three months after the 12-month timeframe from the date of approval in principle).

F3.25.25 When the investment period begins

a If the investment already meets the investment requirements, the required investment period begins on the date of the letter advising approval in principle.

b If the investment is made after approval in principle, the required investment period will begin on the date the investment requirements are met.

c The date the investment period begins is specified in the letter to the successful principal applicant that advises of the conditions on their resident visa (see F3.30.10).

F3.25.30 Evidence of the principal applicant's investment

a Principal applicants must submit the following information and documentation as evidence of having invested funds:
   i the full name of the investor; and
   ii the amount invested in New Zealand dollars; and
   iii the date the investment was made; and
   iv the type of investment (in the case of shares or bonds in companies, the names of the companies invested in and the number of shares or bonds purchased must be listed); and
   v documentary evidence of the investment; and
   vi a letter from a reliable independent professional (for example, a solicitor or chartered accountant),
confirming that the funds have been invested.

b A business immigration specialist, at their discretion, may require any other form of evidence.

**F3.25.35 Temporary visa to arrange transfer and/or investment of funds**

a After approval in principle, and upon application, a work visa may be granted to allow the principal applicant to arrange the transfer to, and investment of funds in, New Zealand.

b The work visa will be valid for multiple entries to New Zealand for 12 months after Approval in Principle has been given.

c A work visa may be granted for the same period on application to the principal applicant's partner (see WS2.1.1(d)).

*Effective 13/05/2019*
F3.30 Resident visas

See previous instructions:
F3.30 Effective 29/11/2010

F3.30.1 Grant of resident visas

a. Resident visas may only be granted once principal applicants have:
   i. met the transfer requirements set out at F3.25.10; and
   ii. placed the funds into an acceptable investment.

b. Resident visas will be granted subject to the conditions imposed under section 49(1) of the Immigration Act 2009 in accordance with the instructions set out at F3.30.10.

F3.30.10 Resident visas subject to conditions under section 49(1) of the Immigration Act

See also Immigration Act 2009 s 49

Under the Parent Retirement Category, a resident visa granted to a principal or secondary applicant is subject to the following conditions imposed under section 49(1) of the Immigration Act 2009:

a. that the principal applicant retains an acceptable investment in New Zealand for a minimum of four years under the Parent Retirement Category; and

b. that the principal applicant informs the nearest branch of INZ of any changes of New Zealand address during the investment period; and

c. at the two-year anniversary of the investment period, the principal applicant submits evidence that they are retaining an acceptable investment in New Zealand; and

d. that within 3 months after the expiry date of the investment period, the principal applicant submits evidence to INZ that they have met requirement (a).

F3.30.15 Investment transfers during the investment period

Investment funds may be transferred from one investment to another during the investment period, provided:

a. the funds remain invested in New Zealand in New Zealand currency at all times during the investment period; and

b. the investment of the funds continues, during the investment period, to meet all other requirements for investments.

Effective 07/12/2015
F3.35 Section 49(1) conditions

F3.35.1 Reminder from Immigration New Zealand to provide evidence of section 49(1) conditions being met

a Immigration New Zealand will attempt to contact the principal applicant:
   i three months before the two-year anniversary; and
   ii three months before the expiry of the required investment period requesting evidence that section 49(1) conditions are being met.

b The evidence must be provided no later than three months after the two-year anniversary and the expiry of the required investment period.

F3.35.5 End of investment period

Conditions imposed under section 49(1) of the Immigration Act 2009 may be lifted if the principal applicant provides evidence of compliance within three months after the expiry date of the investment period.

F3.35.10 Retention of acceptable investment

a The principal applicant will need to show that they have retained an acceptable investment in New Zealand for the required investment period.

b Suitable evidence will include documentation from a reliable independent professional (for example, a solicitor or chartered accountant) stating:
   i the full name of the investor; and
   ii the amount invested; and
   iii the date the investment was lodged; and
   iv the type of investment (in the case of shares or bonds, the names of the companies invested in and the number of shares or bonds purchased must be listed); and
   v confirmation that the funds were invested in New Zealand for the full investment period or, if transferred, the date of lodgement and withdrawal of the investment.

c If the principal applicant has established or purchased a shareholding or bonds in more than one business this information should be provided for each of the businesses.

d If the principal applicant has transferred funds between several organisations during the investment period, they should provide letters from every organisation they have invested with. Lodgement and withdrawal dates will be checked to ensure that funds have been held continuously in New Zealand for the required investment period.

e A business immigration specialist may request any other information in order to be satisfied that the above requirements have been met.

f Evidence that the requirements have been met includes:
   i submission of the evidence required by paragraphs (b) to (e) no later than three months after the two-year anniversary and the expiry date of the required investment period; and
   ii subsequent written confirmation on file (by a business immigration specialist) that the investment requirements have been met.

F3.35.15 Non compliance with section 49(1) conditions

See also Immigration Act 2009 s 159

If section 49(1) conditions have not been complied with at the two-year anniversary check and at the end of the required investment period, the resident visa holder may become liable for deportation under section 159 of the Immigration Act 2009.
F3.35.20 Compliance with section 49(1) conditions

a When the principal applicant has satisfied an immigration officer that they have met the section 49(1) conditions at the two-year anniversary of the investment period and they will be eligible for a variation of travel conditions to allow travel for a further 24 months (RV3.15).

b When the principal applicant has satisfied a visa or immigration officer that the conditions imposed on their resident visa under section 49(1) have been complied with, those conditions will no longer apply and the officer will advise the applicant in writing.

Effective 29/11/2010
**F4.1 Summary of requirements**

See previous instructions:
F4.1 08/05/2017
F4.1 30/07/2012
F4.1 04/04/2011
F4.1 29/11/2010

**F4.1.1 Objective**

The objective of the Parent Category is to support family connections, in order to:

a progress New Zealand Government economic objectives for immigration; and

b attract and retain skilled and productive migrants, while also limiting the costs of New Zealand Government benefits.

**F4.1.5 Overview**

a An application for a resident visa under the Parent Category is a two-stage process. People who intend to submit an application for a resident visa under the Parent Category must first submit an expression of interest (EOI) in the prescribed manner (see F4.5).

b EOIs are entered into a Pool of EOIs and selection from the Pool may result in an invitation to apply for a resident visa under the Parent Category.

c EOIs may result in an invitation to apply for residence if claims made in the EOI concerning health, character, English language requirement, family relationship and sponsorship requirements are assessed as credible by an immigration officer.

d A residence application under the Parent Category will be approved if the requirements for health, character, English language, family relationships and sponsorship (including minimum income thresholds) are met (see F4.15).

e Applications for a resident visa must be in the prescribed manner and lodged within four months from the date of the invitation to apply letter (see F4.10.1).

**F4.1.10 Annual limit to number of resident visas available under the Parent Category**

The number of resident visas that can be granted under the Parent Category is limited to 1,000 people for each year ending 30 June.

Effective 24/02/2020
F4.5 Expression of interest (EOI) and invitation to apply for residence

F4.5.1 Submission of EOI to the Pool

a  A person notifies that they are interested in being invited to apply for a resident visa under the Parent Category by submitting an EOI to Immigration New Zealand (INZ) in the prescribed manner. In order to submit an EOI in the prescribed manner, a person must submit to an immigration officer:
   i  a completed Parent Category EOI form; and
   ii the appropriate fee (if any).

b  By completing an EOI, a person provides a declaration about their and their partner’s:
   i  identity, health and character; and
   ii English language ability or an intention to agree to pre-purchase English for Speakers of Other Languages (ESOL) tuition (F4.25); and
   iii relationship to their sponsoring adult child and any other children the applicants have (see F4.30); and
   iv  adult child’s, or adult child’s and their partner’s, eligibility to sponsor them for New Zealand residence under the Parent Category (see F4.35.1); and
   v  sponsor’s income for the past three years (see F4.40).

c  A person may only have one EOI in the Pool at any time.

d  It is the responsibility of the person submitting the EOI to ensure that the information given is correct in all material respects.

Note: If the partner of a principal applicant is considered to be eligible for inclusion in a Parent Category EOI but was not included, the partner will not be granted residence under the Partnership Category if the partner applies at a later date (see F2.40.5). A partner is considered eligible for inclusion in an EOI even if it appears the sponsor/s may not meet the income requirement to sponsor multiple Parent category applicants if invited to apply for residence.

F4.5.5 Selection of Expressions of Interest from the Pool

a  EOI s will be selected from the Pool based on the date the EOI s were entered into the Pool.

b  EOI s will be selected in sufficient numbers to meet the annual limit to the number of resident visas available under the Parent Category (see F4.10.1).

c  EOI s are selected from the Pool periodically on the Government’s behalf by the Ministry of Business, Innovation and Employment.

F4.5.10 Invitation to apply (ITA) for a resident visa under the Parent Category

a  People whose EOI s have been selected from the Pool may be issued an ITA for a resident visa under the Parent Category.

b  An immigration officer may invite a person to apply for a resident visa under the Parent Category if they are satisfied that:
   i  the information provided does not indicate the presence of any health or character issues which may adversely affect their ability to be granted a resident visa under the Parent Category; and
   ii claims about English language are credible or the applicant has the intention to pre-purchase ESOL tuition (see F4.25); and
   iii it is credible that the parent’s relationship to their sponsoring adult child and any other children they have will meet requirements when the parent/s are granted residence (see F4.15.5); and
   iv it is credible that the sponsoring adult child or the sponsoring adult child and their partner will meet the sponsorship requirements when the parent/s are granted residence (see F4.35); and
v the income from their sponsoring adult child or the total income of their sponsoring adult child and their partner will likely meet the minimum income threshold for two out of the three years prior to ITA date (see F4.40); and

vi if joint income is considered, it is credible that the sponsoring adult child’s partner meets the requirements for joint sponsorship set out at F4.35.5 when the parent/s are granted residence.

c An immigration officer may decide not to issue an ITA for a resident visa under the Parent Category if they are not satisfied claims made within the EOI are:
  i credible; or
  ii sufficient to meet the requirements of the Parent Category.

d An immigration officer may seek further evidence, information and submissions from a person whose EOI has been selected from the Pool, for the purpose of determining whether their claims are credible and whether there are any health or character issues that may adversely affect their ability to be granted a resident visa under the Parent Category.

e In any particular case, the selection of an EOI from the Pool may not result in an invitation to apply for a resident visa under the Parent Category. No person is entitled as of right to an invitation to apply for a visa and the decision to issue or revoke an invitation is a matter for the decision by the immigration officer.

Note: A decision to invite a person to apply for a resident visa under the Parent Category does not guarantee in any subsequent application for a resident visa a positive assessment of any requirements for the Parent Category or generic residence (including health and character).

F4.5.15 False or misleading information in an Expression of Interest
See also Immigration Act 2009 ss58 and 93

a It is sufficient grounds to decline a Parent Category resident visa application if:
  i false or misleading information is provided as part of an Expression of Interest (EOI or associated submission); or
  ii relevant, potentially prejudicial information is withheld from an EOI or associated submission; or
  iii an applicant or their agent fails to advise an immigration officer of any fact or material change in circumstances that occurs after an EOI is submitted that may affect a decision to invite the person to apply for a resident visa or to grant a resident visa.

b Information relating to a claim made in an EOI by either the person expressing interest or their agent that is factually inaccurate and is relevant to the issuing of an invitation to apply or the assessment of a resident visa application will be considered misleading unless the person expressing interest can demonstrate that there is a reasonable basis for making that claim.

Effective 24/02/2020
F4.10 Applying for residence and assessing residence applications

F4.10.1 Invitation to apply
A person may only apply for a resident visa under the Parent Category if:

a they have been issued an invitation to apply under the Parent Category; and

b the application for a resident visa under the Parent Category is lodged within four months of the date of the letter inviting them to apply; and

c that invitation has not been revoked.

F4.10.5 Assessing Parent Category Applications

a Applications under the Parent Category will be approved if the requirements outlined in F4.15 are met.

b The income of the sponsoring adult child or the total income of the sponsoring adult child and their partner will be assessed as per F4.40.

Effective 24/02/2020
**F4.15 Parent Category Requirements**

**F4.15.1 Health, character and English language requirements**

Applicants under the Parent Category must meet:

a the health and character requirements specified at A4 and A5; and  
b a minimum standard of English, or pre-purchase English for Speakers of Other Languages tuition to the specified level (see F4.25).

**F4.15.5 Family relationship requirements**

Applicants under the Parent Category must:

a be sponsored by an adult child (see F4.20.5) that meets family relationship requirements at F4.30 or an adult child and their partner; and  
b have no dependent children (see F4.30.5).

**F4.15.10 Sponsorship requirements**

a Any person acting as a sponsor must meet acceptable sponsor requirements as set out at R4.5.  
b An adult child sponsor must not be a dependent child (see F4.20.10).  
c The joint income of a sponsoring adult child and their partner may only be considered if sponsorship requirements are met for both the adult child and their partner, as outlined at F4.35.5.

**F4.15.15 Minimum income requirement**

The sponsoring adult child’s income or the total income of the sponsoring adult child and their partner (if the income of the adult child’s partner is used to meet minimum income requirements) must meet the required income threshold for two out of the three years prior to the date of the ITA letter (see F4.40).

**F4.15.20 Evidential requirements**

All applicants and their sponsors under the Parent Category must meet the evidential requirements set out at F4.45.

*Effective 24/02/2020*
F4.20 Definitions

F4.20.1 Definition of 'dependent child'

a For the purpose of the Parent Category, and despite the definition in section 4 of the Immigration Act 2009, a child is dependent if they:

i are:
   o aged 21 to 24, with no child(ren) of their own; and
   o single (see F5.5); and
   o totally or substantially reliant on their parent(s) for financial support, whether living with them or not; or

ii are:
   o aged 18 to 20, with no child(ren) of their own; and
   o single (see F5.5); or

iii are:
   o aged 17 or younger; and
   o single (see F5.5).

b When determining whether a child of 21 to 24 years of age is totally or substantially reliant on their parent(s) for financial support, immigration officers must consider the whole application, taking into account all relevant factors including whether the child:

i is in paid employment, whether this is full-time or part-time, and its duration;

ii has any other independent means of financial support;

iii is living with their parents or another family member, and the extent to which other support is provided; or

iv is studying, and whether this is full-time or part-time.

F4.20.5 Definition of 'adult child'

For the purpose of the Parent Category, 'adult child' means a child of 18 or older, unless they are dependent (see F4.20.1).

F4.20.10 Definition of 'adult child' for sponsorship purposes

a For sponsorship purposes, 'adult child' means a child of 18 or older.

b However, children aged 18 to 24 must only be considered as 'adult children' for sponsorship purposes if they can satisfy an immigration officer that they, like other sponsors, are able to meet sponsorship undertakings (see R4.10) and the minimum income requirement (see F4.40).

Note: Parents sponsored by adult children who are also dependent children will not meet the requirements at F4.30.5.

F4.20.15 Definition of ‘ordinarily resident’ in New Zealand

For sponsorship purposes, a person is considered to be ‘ordinarily resident’ in New Zealand where an immigration officer is satisfied that New Zealand is their primary place of established residence (see F4.35.1).

Effective 24/02/2020
F4.25 English language requirements for the Parent Category

F4.25.1 Minimum standard of English

a Applications under the Parent Category must be declined if any applicant included in the application has not met the minimum standard of English or the requirements to pre-purchase English for speakers of other languages (ESOL) tuition.

b Applicants under the Parent Category meet the minimum standard of English if they provide:

i acceptable English language test results, as set out at F4.25.45 (no more than two years old at the time the application is lodged); or

ii other evidence that satisfies an immigration officer that, taking account of that evidence and all the circumstances of the application, they are a competent user of English. These circumstances may include but are not limited to:

- the country in which the applicant currently resides;
- the country(ies) in which the applicant has previously resided;
- the duration of residence in each country;
- whether the applicant speaks any language other than English;
- whether members of the applicant’s family speak English;
- whether members of the applicant’s family speak any language other than English;
- the nature of the applicant’s current or previous employment (if any) and whether that is or was likely to require skill in English language;
- the nature of the applicant’s qualifications (if any) and whether the obtaining of those qualifications was likely to require skill in the English language; or

iii evidence of one of the following:

- completion of all primary education and at least 3 years of secondary education (that is, the equivalent of New Zealand Forms 3 to 5 or years 9 to 11) at schools using English as the language of instruction;
- completion of at least 5 years of secondary education (that is, the equivalent of New Zealand Forms 3 to 7 or years 9 to 13) at schools using English as the language of instruction;
- completion of a course of at least 3 years duration leading to the award of a tertiary qualification at institutions using English as the language of instruction;
- that the applicant holds General Certificate of Education (GCE) "A" Levels from Britain or Singapore with a minimum C pass (the passes must specifically include the subjects English Language or Literature, or Use of English);
- that the applicant holds International Baccalaureate – full Diploma in English Medium;
- that the applicant holds Cambridge Certificate of Proficiency in English – minimum C pass;
- that the applicant holds Hong Kong Advanced Level Examinations (HKALE) including a minimum C pass in Use of English;
- that the applicant holds STPM 920 (Malaysia) – A or B pass in English Literature;
- that the applicant holds University of Cambridge in collaboration with University of Malaya, General Certificate of English (GCE) "A" levels with a minimum C pass. The passes must specifically include the subjects English or General Paper;
- that the applicant holds South African Matriculation Certificate, including a minimum D pass in English (Higher Grade);
- that the applicant holds South African Senior Certificate, including a minimum D pass in English (Higher Grade), endorsed with the words 'matriculation exempt';
- that the applicant holds a New Zealand Tertiary Entrance Qualification gained on completing the seventh form; or

iv are citizens of Samoa who have applications assessed under the Parent Category at the Apia Immigration New Zealand (INZ) branch and, after an interview, satisfy an immigration officer that they have sufficient English language ability.
When applying (b) (iv) above, the interviewing immigration officer determines if applicants meet the minimum English language requirement by assessing whether they are able to:

i  read English; and
ii  understand and respond to questions in English; and
iii  maintain an English language conversation about themselves, their family or their background.

In any case, an immigration officer may require any or each applicant to provide an English language test result in terms of (b)(i) above. In such cases, the English language test result 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 English language test result under F4.25.1 (d) is made. If an English language test result is requested, the reason(s) behind the decision must be clearly documented and conveyed to the applicant.

**F4.25.5 Pre-purchase of English for Speakers of Other Languages (ESOL) tuition**

a  Instead of meeting the minimum standard of English, any applicant may pre-purchase ESOL tuition. ESOL tuition must be pre-purchased from the Tertiary Education Commission (TEC) by paying the required charge to INZ (who collect this charge on behalf of TEC).

b  Applicants must pay any ESOL charge due, sign the ESOL Agreement (see F4.25.20) and return it to INZ within the time specified by INZ before a resident visa is able to be granted.

**F4.25.10 The amount of ESOL tuition to be pre-purchased by applicants**

For the purposes of the Parent Category, the amount of ESOL tuition to be paid is NZ$1,735 per applicant, which gives an ESOL entitlement of NZ$1,533.33 per applicant.

**F4.25.15 TEC to arrange ESOL tuition**

a  The applicant is entitled to tuition to the value of the ESOL entitlement of the ESOL tuition charge. This does not include the INZ and TEC administration costs.

b  TEC advises the applicant of the list of suitable ESOL tuition providers in New Zealand, from which the applicant may nominate one of their own choice.

c  TEC will manage the contract between the ESOL tuition provider and the applicant.

d  The applicant must advise TEC of their New Zealand address.

**F4.25.20 Applicant’s agreement with TEC**

a  Each applicant who pre-purchases ESOL tuition must sign an Agreement with TEC by which they agree, among other things, that they understand the rules for taking up ESOL tuition in New Zealand and the refund provisions.

b  The content of the Agreement is determined by INZ and TEC.

c  Included with the Agreement is a Schedule that sets out the personal details of the applicant and the amount of tuition to be purchased.

**F4.25.25 Completion of Agreement**

a  When an application for a resident visa is approved in principle, applicants will be given two copies of the Agreement to complete for each person in the application undertaking ESOL tuition.

b  After completion of the Agreement, one copy is retained by the applicant, and the other copy is returned to the relevant INZ processing office with the tuition fee(s).

c  If the Agreement is not signed and returned to INZ within the time specified by INZ, the resident visa application must be declined.
d. The INZ copy of the Agreement should be sent to the TEC.

**F4.25.30 Failure to pre-purchase ESOL tuition**

Any ESOL tuition fee must be paid before a resident visa may be granted. If the tuition fee is not paid to the INZ within the specified time, the resident visa application must be declined.

**F4.25.35 Limited period to use ESOL tuition**

a. If ESOL tuition is purchased, the applicant must complete the tuition within five years from the date of payment.

b. ESOL tuition will not be available without further payment, nor will refunds be given, to applicants who do not take up ESOL tuition within the time limits specified at (a) above.

**F4.25.40 Refund of ESOL tuition fees**

a. If ESOL tuition fees are paid but the applicant does not take up residence by being a residence class visa holder in New Zealand, a refund of the ESOL tuition fee may be granted upon request to INZ. The request must be made in writing.

b. Requests for refunds must be declined if they are made more than six months after the expiry of the travel conditions allowing travel to New Zealand.

c. Immigration officers considering requests for refunds must be satisfied that none of the applicants included in the application have:
   i. entered New Zealand as residents; or
   ii. hold resident visas with current travel conditions.

d. The person who paid the ESOL tuition fee will only be refunded the ESOL entitlement. INZ and TEC administration costs will not be refunded.

**F4.25.45 Acceptable English language test results**

The following English language test results are acceptable:

<table>
<thead>
<tr>
<th>Test</th>
<th>Minimum score required</th>
</tr>
</thead>
<tbody>
<tr>
<td>International English Language Testing System (IELTS) - General or Academic Module</td>
<td>4.0 or more in at least two of the four skills (Listening, Reading, Writing, Speaking)</td>
</tr>
<tr>
<td></td>
<td>Or</td>
</tr>
<tr>
<td></td>
<td>An overall score of 5.0 or more</td>
</tr>
<tr>
<td>Test of English as a Foreign Language Internet-based Test (TOEFL iBT)</td>
<td>At least two of the following skill scores:</td>
</tr>
<tr>
<td></td>
<td>Listening: 2 or more</td>
</tr>
<tr>
<td></td>
<td>Reading: 2 or more</td>
</tr>
<tr>
<td></td>
<td>Writing: 11 or more</td>
</tr>
<tr>
<td></td>
<td>Speaking: 11 or more</td>
</tr>
<tr>
<td></td>
<td>Or</td>
</tr>
<tr>
<td></td>
<td>An overall score of 35 or more</td>
</tr>
<tr>
<td>Pearson Test of English Academic (PTE Academic)</td>
<td>29 or more in at least two of the four skills (Listening, Reading, Writing, Speaking)</td>
</tr>
<tr>
<td></td>
<td>Or</td>
</tr>
<tr>
<td></td>
<td>An overall score of 36 or more</td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE))</td>
<td>142 or more in at least two of the four skills (Listening, Reading, Writing, Speaking)</td>
</tr>
<tr>
<td></td>
<td>Or</td>
</tr>
<tr>
<td>Test</td>
<td>Requirement</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>An overall score of 154 or more</td>
</tr>
</tbody>
</table>
| Occupational English Test (OET)          | Grade D or higher in at least two of the four skills (Listening, Reading, Writing and Speaking)  
                                         | Or                                                                           |
|                                           | Grade C or higher in all four skills (Listening, Reading, Writing and Speaking) |

*Effective 24/02/2020*
**F4.30 Family relationship requirements for the Parent Category**

**F4.30.1 Who are considered to be children of the principal applicant?**

a  For the purposes of the Parent Category, children of the principal applicant include:
   i  all biological or adopted children of the principal applicant; and
   ii  any child of the principal applicant’s partner (whether or not the partner is included in the application) if that child has lived with the principal applicant for a predominant period of the child’s life between the time their relationship with the principal applicant began and until the time the child turned 18 years of age.

b  For the purposes of the Parent Category, where the principal applicant is a legal guardian, children of the principal applicant include:
   i  the New Zealand citizen or resident sponsor; and
   ii  all biological and adopted children of the principal applicant; and
   iii  any children of whom they are (or were) legal guardians by reason of the parents of those children being deceased; and
   iv  any child of the principal applicant’s partner (whether or not the partner is included in the application), if that child has lived with the principal applicant for a predominant period of the child’s life between the time their relationship with the principal applicant began and until the time the child turned 18 years of age.

c  For the purposes of the Parent Category, where the principal applicant is a grandparent, children of the principal applicant include:
   i  the New Zealand citizen or resident sponsor; and
   ii  all biological and adopted children of the principal applicant; and
   iii  any child of the principal applicant’s partner (whether or not the partner is included in the application), if that child has lived with the principal applicant for a predominant period of the child’s life between the time their relationship with the principal applicant began and until the time the child turned 18 years of age.

**F4.30.5 Applicants who have dependent children**

Applicants under the Parent Category must not have any dependent children (see F4.20.1). An application will be declined if any applicant(s) included in the application have dependent children.

**F4.30.10 Grandparents and legal guardians**

Only one grandparent and their partner, or one legal guardian and their partner, may be sponsored under Parent Category.

**F4.30.10.1 Grandparents**

A sponsoring adult child’s grandparent and their partner will be considered to be ‘parent(s)’, and the sponsor will be considered to be an ‘adult child’ under Parent Category if both the sponsor’s parents are deceased (see F4.45.5 and F4.45.15).

**F4.30.10.5 Legal guardians**

A sponsor adult child’s legal guardian and their partner will be considered to be ‘parent(s)’ and the sponsor will be considered to be an ‘adult child’ under Parent Category (see F4.45.5 and F4.45.15) if:

a  both the sponsor’s parents died before the sponsor attained the age of 18 years; and

b  the principal applicant had legal guardianship of the sponsor (that is, custody of the sponsor and the right to control the sponsor’s upbringing) before the sponsor attained the age of 18 years; and
c the principal applicant was the most recent legal guardian of the sponsor.
F4.35 Sponsorship Requirements

a Applicants must, from their first day as a resident in New Zealand, be sponsored by their:
   i adult child (who meets the family relationship requirements outlined at F.30.1); or
   ii adult child and their partner

b The supporting adult child and their partner (if joint income is considered) must sponsor the applicant or applicants for a sponsorship period aligned with the New Zealand Superannuation residency eligibility criteria (excluding the requirement that five of those years be while the parent is over 50 years of age), which is at present 10 years, regardless of whether the parent may meet the New Zealand Superannuation residency eligibility requirements in a shorter period of time.

F4.35.1 General Requirements

To act as a sponsor the adult child and the adult child’s partner (if joint income is considered) must:

a meet the requirements to be an acceptable sponsor as set out at R4.5; and

b agree to meet the undertakings set out at R4.10 for the required sponsorship period (see F4.35(b)); and

c meet the minimum income requirement for sponsors outlined at F4.40.

F4.35.5 Joint sponsorship requirements

In addition to meeting the requirements outlined at F4.35.1 above, the income of a sponsoring adult child’s partner may only be considered if the partner:

a has been living with the sponsoring adult child for a period of at least 12 months in a partnership that is genuine and stable (see F2.10.1), and they meet the requirements for the recognition of a partnership set out at F2.15; and

b agrees to act as an additional sponsor to the application, including meeting the general requirements set out at F4.35.1 above.

Effective 24/02/2020
F4.40 Minimum income requirement for sponsors

a The sponsoring adult child and their partner (if joint income is considered) must demonstrate that their total income meets the minimum income threshold for two out of the three years prior to being invited to apply.

Note: For example: If the current median income is $50,000 (Year 1), $45,000 the year before (Year 2) and $40,000 the year before (Year 3), the sponsor does not need to meet the latest median income of $50,000 if they are using their income in Year 2 or Year 3 to meet the requirement. They need to meet the specific income threshold for Year 2 ($45,000) and Year 3 ($40,000).

b The minimum income thresholds are shown in the tables at F4.40.5 below.

c The minimum income threshold is calculated based on the New Zealand median income from salary and is adjusted annually.

d The minimum income that sponsor/s must meet is based on:

i whether the supporting adult child’s partner is jointly sponsoring the applicant; and

ii the total number of people being sponsored by the adult child and their partner (if joint income is considered) on the date a decision on the residence application is made; and

iii the median income on the last day of each year of the three year period

e The total number of people being sponsored includes:

i any person and their partner that has been sponsored by the adult child and/or their partner in an earlier Parent Category resident visa application and is still being sponsored within the required sponsorship period; and

ii any person and their partner who is included in the current Parent Category resident visa application.

Note: Where a partner’s income was used in support of an application processed using Parent Category instructions in place before 7 October 2019, but that partner did not act as a sponsor, this is not considered ‘sponsorship’ for the purposes of F4.40(d)(ii) or F4.40(e)(i).

F4.40.1 Meeting the minimum income requirement

a Only taxable income that is recorded on Inland Revenue tax statements (Summary of Income) of the sponsor/s will be recognised when calculating a sponsor’s income (see F4.40.5).

b Income earned by another legal entity, such as a company or a trust, cannot be included unless it has been paid directly to the sponsoring adult child and/or their partner in the form of shareholder-employee salary or dividends, or is income derived from the trust. This income must appear on the Inland Revenue tax statements of the sponsoring adult child and/or their partner.

c The income of a sponsor’s partner may only be considered if the partner meets the requirements set out in F4.35.5.

d The sponsoring adult child and their partner (if using joint income) must meet the evidential requirements set out at F4.45.

F4.40.5 Determining the three year period and the minimum income threshold for each year

a The period over which a sponsor’s income will be assessed is the three years ending the last day of the month prior to the date the applicant/s were invited to apply

i Year 1 shall be the last 12 months from the month ending before the date of the ITA letter (i.e. this is the most recent 12 month period considered).

ii Year 2 shall be the last 12 months before the start of year 1.

iii Year 3 shall be the 12 months before the start of year 2.

Note: For example: If the ITA date is 25/04/2020, the last day of the month ending before the ITA letter is 31/03/2020 and
the three year period shall be determined as follows:
- Year 1: 1 April 2019 to 31 March 2020
- Year 2: 1 April 2018 to 31 March 2019
- Year 3: 1 April 2017 to 31 March 2018

b The income threshold required for each year is calculated based on the median income that is in effect on the last day of each year of the three year period.

c The tables show the median income, the applicable time period and the corresponding income threshold for one and two sponsors supporting up to four parents:

i Minimum income thresholds for one sponsor:

<table>
<thead>
<tr>
<th>Effective date</th>
<th>Median income</th>
<th>Number of Parents</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>24/02/2020 onwards</td>
<td>$53,040</td>
<td>1</td>
<td>159,120</td>
</tr>
<tr>
<td>26/11/2018 to 23/02/2020</td>
<td>$52,000</td>
<td>2</td>
<td>$156,000</td>
</tr>
<tr>
<td>Before 26/11/2018</td>
<td>$50,523</td>
<td></td>
<td>$151,569</td>
</tr>
</tbody>
</table>

ii Minimum income thresholds for two (joint) sponsors:

<table>
<thead>
<tr>
<th>Effective date</th>
<th>Median income</th>
<th>Number of parents</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>24/02/2020 onwards</td>
<td>$53,040</td>
<td>1</td>
<td>$212,160</td>
</tr>
<tr>
<td>26/11/2018 to 23/02/2020</td>
<td>$52,000</td>
<td>2</td>
<td>$208,000</td>
</tr>
<tr>
<td>Before 26/11/2018</td>
<td>$50,523</td>
<td></td>
<td>$202,092</td>
</tr>
</tbody>
</table>

Note: For example: If a single adult child is sponsoring one parent only, the applicable income threshold shall be determined by using the table in (i) above. If the ITA date is 25/03/2020 then:
- in Year 1 the end of the 12 month period is 29/02/2020 (the month ending before the ITA date). From the table in (i) above, the median income on this date is $53,040 and the minimum income threshold for one parent is $106,080.
- in Year 2, the last day of the year is 29/02/2019. The median income is $52,000 on this date and the minimum income threshold is $104,000.
- in Year 3, the last day of the year is 29/02/2018. The median income is $50,523 on this date and the minimum income threshold is $101,046.

d Where the total number of parents being sponsored is more than 4, the minimum income threshold will increase by the amount of the New Zealand median income (which applies for the stated period) for each additional parent being sponsored.

Note: For example, if the total number of parents being sponsored by one sponsor is six, the required minimum income from 24/02/2020 onwards is $371,280 (calculated as follows: $265,200 + ($53,040 x 2 (additional parents)) = $371,280.

Effective 24/02/2020
F4.45 Evidence

F4.45.1 Evidence of relationship of parent(s) to children
a. Evidence of a parent’s relationship to their children is original or certified copies of:
   i. birth certificates establishing the relationship of the children to the parent; or
   ii. household registration documents, if these establish the relationship of the children to the parent; or
   iii. evidence of adoption (see R3), which establishes the relationship of the children to the parent.
b. Other evidence establishing the relationship of the children to the parents may also be provided, or requested by an immigration officer.

F4.45.5 Evidence of relationship to grandparent where the sponsoring adult child’s parents are deceased
a. Evidence of the sponsoring adult child’s relationship to their grandparent(s) is original or certified copies of:
   i. birth certificates establishing the relationship of the sponsor to the grandparent(s); or
   ii. household registration documents, if these establish the relationship of the sponsor to the grandparent(s); or
   iii. evidence of adoption (see R3), which establishes the relationship of the sponsor to the grandparent(s).
b. Other evidence establishing the relationship of the sponsor child to the grandparent(s) may also be provided, or requested by an immigration officer.

F4.45.10 Evidence of legal guardianship where the sponsoring adult child’s parents are deceased
Evidence of legal guardianship of the sponsoring adult child includes but is not limited to documents showing that the principal applicant had custody of the sponsor and the right to control the sponsor’s upbringing before the sponsor attained the age of 18, such as the following:

a. legal documents (such as the sponsor parent’s will) showing that the principal applicant was named as the guardian of the sponsor, to have custody of the sponsor and the right to control their upbringing in the event of the death of the sponsor’s biological or adoptive parents; or
b. a court order granting legal guardianship of the sponsoring adult child to the principal applicant (including custody of the sponsor and the right to control their upbringing) after the death of their parents and prior to the sponsor attaining the age of 18 years; or
c. documents showing that the sponsor lived with the principal applicant after the death of their parents and prior to the sponsor attaining the age of 18 years; or
d. documents such as medical and school records indicating that the principal applicant acted in the role of a parent for the sponsor after the death of their biological or adoptive parents and prior to the sponsor attaining the age of 18 years.

F4.45.15 Evidence that parents are deceased
a. Evidence that a sponsoring adult child’s parents are deceased is original or certified copies of death certificates for both parents.
b. Where a death certificate is unobtainable, other documentary evidence must be provided that satisfies an immigration officer that the sponsor’s parents are deceased, and the date(s) of their death.
c. A death certificate is considered to be obtainable even if there is a possible delay or expense in obtaining it.
F4.45.20 Evidence of dependence

a. Up to and including 20 years of age, if a child is unmarried then he or she is presumed to be dependent.

b. For children aged 21 to 24, evidence of actual independence may be required.

F4.45.25 Evidence of sponsorship

Evidence is a Sponsorship Form for Residence in New Zealand that:

a. confirms that the sponsor/s meet the requirements for sponsors who are natural persons set out at R4.5(d); and

b. contains the undertakings required (see R4.10).

F4.45.30 Evidence that the sponsoring adult child and their partner (in case of joint income) meet the minimum income requirement

Evidence of meeting the minimum income requirement for the sponsor and their partner (see F4.40) must be demonstrated through their annual Inland Revenue tax statements.

F4.45.35 Evidence to be considered ‘ordinarily resident’ in New Zealand

Evidence of the sponsor/s to be considered ‘ordinarily resident’ in New Zealand may include but is not limited to:

a. correspondence addressed to the sponsor/s

b. employment records

c. travel movements outside of New Zealand

d. banking records

e. rates demands

f. Inland Revenue records

g. mortgage documents

h. tenancy and utility supply agreements

i. documents showing that the New Zealand partner’s household effects have been moved to New Zealand.

F4.45.40 Verification of family details and documents

Immigration officers may refer to former applications lodged by applicants, family members of applicants or sponsors in order to verify declarations made by applicants about their family details (such as the number of family members, the whereabouts of family members, or an applicant’s or partner’s marital status). Income tax statements submitted may be verified with the Inland Revenue Department.

Effective 24/02/2020
F4.50 Conditions of a resident visa granted under the Parent Category

See also Immigration Act 2009 ss 49, 55

a  A resident visa granted under the Parent Category is subject to the condition, that the sponsor(s) of the visa holder meet their obligations as set out at R4.10 for 10 years from the visa holder’s first day as a resident in New Zealand.

b  The multiple entry travel conditions on a resident visa granted under the Parent Category must be valid for 10 years from the visa holder’s first day as a resident in New Zealand.

Effective 24/02/2020
F5 Dependent Child Category
**F5.1 How do dependent children qualify for a resident visa?**

See previous instructions:
F5.1 Effective 29/05/2017
F5.1 Effective 18/04/2014
F5.1 Effective 24/03/2014
F5.1 Effective 30/07/2012
F5.1 Effective 29/11/2010

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<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Principal applicants meet Dependent Child Category if their parent(s) are eligible to support a residence class visa under the Dependent Child Category (F5.1.5) and the applicant is:</td>
</tr>
<tr>
<td>i</td>
<td>aged 21 to 24,</td>
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<tr>
<td>o</td>
<td>with no child(ren) of their own,</td>
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<tr>
<td>o</td>
<td>single (see F5.5), and</td>
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<tr>
<td>o</td>
<td>totally or substantially reliant on an adult (whether their parent or not) for financial support, whether they live with them or not; or</td>
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<tr>
<td>ii</td>
<td>aged 18 to 20,</td>
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<tr>
<td>o</td>
<td>with no child(ren) of their own and</td>
</tr>
<tr>
<td>o</td>
<td>single (see F5.5); or</td>
</tr>
<tr>
<td>iii</td>
<td>aged 17 or younger and single (see F5.5).</td>
</tr>
<tr>
<td>b</td>
<td>Where the parent(s) has previously applied for a residence class visa, principal applicants under Dependent Child Category must also:</td>
</tr>
<tr>
<td>i</td>
<td>have been born to, or adopted by (see R3), their parent(s) before their parent(s) made their own application for a residence class visa, and have been declared as dependent children on their parent(s) application for a residence class visa; or</td>
</tr>
<tr>
<td>ii</td>
<td>have been born to their parent(s) after their parent(s) made their own application for a residence class visa; or</td>
</tr>
<tr>
<td>iii</td>
<td>have been adopted by (see R3) their parent(s) after their parent(s) made their own application for a residence class visa, by a New Zealand adoption order made under the Adoption Act 1955, or an overseas adoption order which, under section 17 of the Adoption Act 1955, has the same effect as a New Zealand adoption order.</td>
</tr>
<tr>
<td>c</td>
<td>Unless an immigration officer is satisfied that the provisions at (d) below are met, applications for residence under Dependent Child Category will be declined if:</td>
</tr>
<tr>
<td>i</td>
<td>the parent(s) of the principal applicant has previously applied for a residence class visa; and</td>
</tr>
<tr>
<td>ii</td>
<td>the principal applicant was born to, or adopted by, their parent(s) before their parent(s) application was decided; and</td>
</tr>
<tr>
<td>iii</td>
<td>the principal applicant was not declared as a dependent child on the parent(s) application for a residence class visa.</td>
</tr>
<tr>
<td>d</td>
<td>An application may be approved, however, if all other requirements are met and an immigration officer is satisfied that the parent(s) non-declaration of the child occurred with:</td>
</tr>
<tr>
<td>i</td>
<td>no intent to mislead on the part of either parent; and</td>
</tr>
<tr>
<td>ii</td>
<td>the outcome of the parent’s residence class visa application would not have been different had the dependent child been declared.</td>
</tr>
</tbody>
</table>
Note: Immigration officers should not decline an application on the basis of provision (c) above without first providing the principal applicant an opportunity to explain the non-declaration in accordance with R5.15 Explaining discrepancies in family details.

When determining whether a child of 21 to 24 years of age is totally or substantially reliant on an adult (whether their parent or not) for financial support, immigration officers must consider the whole application, taking into account all relevant factors including:

- whether the child is in paid employment, whether this is full time or part time, and its duration;
- whether the child has any other independent means of financial support;
- whether the child is living with its parents or another family member, and the extent to which other support is provided;
- whether the child is studying, and whether this is full time or part time.

Principal applicants under Dependent Child Category must meet health and character requirements (see A4 and A5).

**F5.1.5 Eligibility to support a residence class visa application under the Dependent Child Category**

Parent(s) are eligible to support a residence class visa application under the Dependent Child Category if they are:

a lawfully and permanently in New Zealand (F5.5.5); and

b not liable for deportation, or a person whose deportation liability has been suspended.

*Effective 29/05/2017*
F5.5 Definitions

F5.5.1 Definition of ‘single’
A person is single if they are not living with a partner in a genuine and stable partnership (F2.10.1).

Note: For the purposes of these instructions partnerships are considered to exist irrespective of duration.

F5.5.5 Definition of ‘lawfully and permanently in New Zealand’
People who are lawfully and permanently in New Zealand must be actually residing in New Zealand and be either:

a  citizens of New Zealand; or
b  holders (or deemed to be holders) of New Zealand residence class visas.

Effective 29/11/2010
F5.10 Evidence

See previous instructions:
F5.10 Effective 18/04/2014
F5.10 Effective 30/07/2012
F5.10 Effective 29/11/2010

The items listed in F5.10.1 to F5.10.35 below are examples of relevant evidence: other documents may also be relevant.

F5.10.1 Evidence of dependent child’s relationship to parent(s)

a  Evidence of the dependent child’s relationship to the parent(s) is
   i  birth certificates establishing the relationship of the dependent child to the parent(s); or
   ii household registration documents, if these establish the relationship of the dependent child to the parent(s); or
   iii evidence of adoption (see R3), which establishes the relationship of the dependent child to the parent(s).

b  Other evidence establishing the relationship of the children to the parent(s) may also be provided.

F5.10.5 Evidence of declaration by parent(s)

Evidence of declaration as a dependent child is the declaration of children on the parent(s) residence application form.

F5.10.10 Evidence that principal applicant is single, with no children, and 24 or younger

a  Evidence that the principal applicant is single, with no children, and aged 18 to 24, is:
   i  a declaration in the residence application form that the principal applicant is not married, is not in a civil union, and is not living in a de facto relationship; and
   ii a declaration in the residence application form that the principal applicant has no children; and
   iii a birth certificate or other evidence that the principal applicant is aged 18 to 24.

b  Evidence that the principal applicant is single, and 17 or younger, is:
   i  a declaration in the residence application form that the principal applicant is not married, is not in a civil union, and is not living in a de facto relationship; and
   ii a birth certificate or other evidence that the principal applicant is 17 or younger.

F5.10.15 Evidence of financial dependence (see F5.1)

a  Up to and including 17 years of age, if a child is single, they are presumed to be dependent.

b  From 18 years of age up to and including 20 years of age, if a child is single and has no children of their own, they are presumed to be dependent.

c  From 21 years of age up to and including 24 years of age, evidence of actual dependence may be required.

F5.10.20 Evidence of adoption under New Zealand Adoption Act 1955 (see F5.1(b)(iii))

Evidence is the Notice of Adoption Order.

Note: Notices of interim orders are not evidence of adoption.

F5.10.25 Evidence that overseas adoption has the same effect as a New Zealand adoption (see F5.1(b)(iii))

Evidence that an overseas adoption has the same effect as a New Zealand adoption under section 17 of the Adoption Act 1955, includes:
a. a ruling from a New Zealand court; or

b. the assessment of the immigration officer, if there are clear precedents for adoptions from the country concerned.

F5.10.30 Evidence of parent’s New Zealand citizenship or residence class visa

a. Evidence that a parent is a New Zealand citizen may include but is not limited to:
   • a New Zealand passport; or
   • a New Zealand birth certificate issued prior to 1 January 2006; or
   • a New Zealand birth certificate issued on or after 1 January 2006 that positively indicates New Zealand citizenship; or
   • a certificate of New Zealand citizenship; or
   • a confirmation of New Zealand citizenship by descent certificate issued under the Citizenship Act 1977; or
   • an evidentiary certificate issued under the Citizenship Act 1977 confirming New Zealand citizenship.

b. Evidence that a parent is a New Zealand resident is:
   i. a current New Zealand residence class visa in their passport or certificate of identity; or
   ii. evidence of an electronic record of a current New Zealand residence class visa; or
   iii. evidence the parent is deemed to hold a New Zealand residence class visa.

F5.10.35 Evidence of being ‘lawfully and permanently’ in New Zealand

Evidence must be provided of actual residence in New Zealand. Evidence may include but is not limited to:

• correspondence addressed to the applicant
• employment references
• rates demands
• income tax returns
• mortgage documents
• documents showing that household effects have been moved to New Zealand.

Effective 07/05/2018
F5.15 Verification of family details

Immigration officers may refer to former applications lodged by applicants, family members of applicants, or sponsors in order to verify declarations made by applicants about their family details (such as the number of family members, the whereabouts of family members, or an applicant's marital status).

Effective 29/11/2010
F5.20 Dependent children under 16 whose parents are separated or divorced

See previous instructions: F5.20 Effective 29/11/2010

a If the parents of a child under the age of 16 are separated or divorced, the New Zealand citizen or resident parent must have the right to remove the child from the country in which rights of custody or visitation have been granted, or, if no such rights of visitation have been granted, from the country of residence.

b Such children will not be granted a resident visa unless the New Zealand citizen or resident parent produces satisfactory evidence of their right to remove the child from the country in which the rights of custody or visitation have been granted or, if no such rights of visitation have been granted, from the country of residence.

c Except where (d) applies, evidence of the right to remove the child from the country in which rights of custody or visitation have been granted must include:

i legal documents showing that the New Zealand citizen or resident parent has the sole right to determine the residence of the child, without rights of visitation by the other parent; or

ii a court order permitting the New Zealand citizen or resident parent to remove the child from its country of residence; or

iii legal documents showing that the New Zealand citizen or resident parent has custody of the child and a signed statement from the other parent, witnessed in accordance with local practice or law, agreeing to allow the child to live in New Zealand if the application is approved.

d Where an immigration officer is satisfied that:

i by virtue of local law, the New Zealand citizen or resident parent has the statutory right to custody of the child; and

ii it is not possible or required under that local law to obtain individualised legal documents to verify that custodial right, the New Zealand citizen or resident parent will be considered by INZ to have the right to remove the child from its country of residence

Effective 07/05/2018
**F5.25 Dependent children under 16 with only one parent holding New Zealand citizenship or a New Zealand residence class visa**

See previous instructions:
F5.25 Effective 26/11/2012
F5.25 Effective 29/11/2010

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<tbody>
<tr>
<td><strong>a</strong></td>
<td>If one of the parents of a child under the age of 16 is not a New Zealand citizen or resident, the New Zealand citizen or resident parent must have the right to remove the child from the child’s country of residence.</td>
</tr>
<tr>
<td><strong>b</strong></td>
<td>Such children will not be granted a residence class visa unless the New Zealand citizen or resident parent produces satisfactory evidence of their right to remove the child from the child’s country of residence.</td>
</tr>
<tr>
<td><strong>c</strong></td>
<td>Except where (e) applies evidence of the right to remove the dependent child from the child’s country of residence in situations where one parent is not a New Zealand citizen or resident, but the parents are not separated or divorced, must include:</td>
</tr>
<tr>
<td>i</td>
<td>a written statement confirmed by both parents at an interview with an immigration officer, either in person or by phone; or</td>
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<tr>
<td>ii</td>
<td>a court order permitting the applicant to remove the child from the child’s country of residence.</td>
</tr>
<tr>
<td><strong>d</strong></td>
<td>If because of the death of one of the parents of a child under the age of 16, only one parent holds New Zealand citizenship or residence class visa, the death certificate of the other parent must be provided.</td>
</tr>
<tr>
<td><strong>e</strong></td>
<td>Where an immigration officer is satisfied that:</td>
</tr>
<tr>
<td>i</td>
<td>by virtue of local law, the New Zealand citizen or resident parent has the statutory right to custody of the child; and</td>
</tr>
<tr>
<td>ii</td>
<td>it is not possible or required under that local law to obtain individualised legal documents to verify that custodial right, the New Zealand citizen or resident parent will be considered by INZ to have the right to remove the child from the child’s country of residence.</td>
</tr>
</tbody>
</table>

*Effective 07/05/2018*
F5.30 English language requirements

a If a principal applicant was eligible to be included as a dependent child of a principal applicant in an earlier successful application under the General Skills Category, Skilled Migrant Category, Business Immigration Instructions or previous Business Investor Category, but was not at that time included in the application, they will have to meet the criteria of the English language instruction applicable at the time the application under Dependent Child Category is made.

b Such an applicant will be subject to the applicable English language instruction as if they were a non-principal applicant under the Skilled Migrant Category or Business Immigration Instructions.

c A principal applicant who would have been eligible for inclusion in an earlier General Skills category or Skilled Migrant Category application will be subject to the English language instruction of the Skilled Migrant Category applicable at the time the application under the Dependent Child Category is made.

d A principal applicant who would have been eligible for inclusion in an earlier Business Investor category or Business Immigration Instructions application will be subject to the English language instructions of Business Immigration Instructions applicable at the time the application under Dependent Child Category is made.

Effective 29/11/2010
### F5.35 Application under Dependent Child Category of person eligible for...

See previous instructions:

**F5.35 Effective 29/11/2010**

**F5.35 Application under Dependent Child Category of person eligible for inclusion in an earlier registration or expression of interest**

A resident visa will not be granted under the Dependent Child category if the principal applicant was eligible for inclusion but not actually included in:

a. a successful registration under either the Family Quota, Refugee Family Support Category, Samoan Quota Scheme or Pacific Access Category; or

b. an expression of interest under the Community Organisation Refugee Sponsorship category from which an invitation to apply was subsequently issued.

**Effective 15/12/2017**
F5.40 Resident visas with conditions

See previous instructions:
F5.40 Effective 26/03/2012
F5.40 Effective 29/11/2010

If the supporting New Zealand parent holds a resident visa subject to conditions set out under section 49(1) of the Immigration Act 2009 at the time the support was given, then a dependent child will be granted a resident visa subject to the condition that [name of supporter] complies with the requirements of his or her visa (see R5.65.1).

Effective 06/07/2015
F6 Sibling and Adult Child Category (to 16/05/2012)

Note: The instructions contained in this section cease to be effective from 16 May 2012.

Effective 16/05/2012
F7 Inter-country adoption
F7.1 Guidelines for inter-country adoptions

a  If a New Zealand residence class visa holder or citizen legally adopts a child overseas, they may apply on its behalf for either New Zealand citizenship or residence.

b  If a residence class visa is applied for, the child must meet the same requirements as other children of New Zealand citizens or residence class visa holders.

c  The fact that a child has been adopted does not, of itself, entitle the child to be granted with a visa to travel to New Zealand, and immigration officers must assess whether or not the child meets the requirements for a residence class visa or a temporary class visa.

d  A standard prerequisite for a child to travel to New Zealand for adoption purposes is the support of social welfare agencies, both in New Zealand and in the child’s country of origin.

Effective 29/11/2010
F7.5 Citizenship procedure

a. The Department of Internal Affairs administers the Citizenship Act 1977 and determines whether or not an adopted child has a claim to New Zealand citizenship.

b. Adoptive parents who are New Zealand citizens must apply to the appropriate overseas post or to the Department of Internal Affairs to determine the citizenship of the child.

c. The process of determining citizenship involves establishing whether or not the adoption meets the requirements under section 17 of the Adoption Act 1955, and the process can be both complex and lengthy.

F7.5.1 Immigration requirements for adopted children

a. Children adopted overseas or in New Zealand must meet immigration requirements unless, and until, their New Zealand citizenship is established.

b. Evidence of New Zealand citizenship should be supplied to INZ if a child on a temporary visa in New Zealand is granted citizenship.

Effective 29/11/2010
**F7.10 Pre-adoption information**

See previous instruction  
F7.10 Effective 29/11/2010

a Under the Adoptions Act 1955, social workers approve prospective parents and report to the Family Court, which rules on individual adoptions.

b Generally, the authorities in the child's country of origin must give permission for it to leave, and the adoption must conform with the law of that country.

c INZ offices should advise prospective adoptive parents to consult the Ministry for Children, Oranga Tamariki, and to contact the equivalent welfare agency in the child's country.

d The Ministry for Children, Oranga Tamariki will arrange for a home study and liaise with the appropriate inter-country adoption agency for a child study, after which the Ministry for Children, Oranga Tamariki will advise INZ of the results.

e The Ministry for Children, Oranga Tamariki may also ask overseas posts to investigate the circumstances of the child.

*Effective 13/05/2019*