

VISA PAK ISSUE 547 — 2 JUNE 2023

## **TEMPORARY ENTRY OF UK BUSINESS PERSONS UNDER THE NEW ZEALAND - UNITED KINGDOM FREE TRADE AGREEMENT (NZ-UK FTA)**

This item provides guidance for border officers and immigration officers assessing certain business persons from the United Kingdom (UK) seeking entry to New Zealand, for whom New Zealand has committed to facilitating temporary entry under the NZ-UK FTA.

The NZ-UK FTA enters into force on 31 May 2023. As part of this agreement, New Zealand has committed to facilitating the temporary entry to New Zealand of certain categories of business persons from the UK, including several categories for which assessment guidance is being provided, to ensure New Zealand meets its commitments under the FTA: Business Visitors travelling to New Zealand for training seminars or commercial transactions; Intra-Corporate Transferees - Executives and managers; Contractual Services Suppliers; and Independent Professionals.

### **Business Visitors travelling to New Zealand for training seminars; or for commercial transactions - border entry and visitor visas**

Given that the agreed duration of stay for these people is less than 6 months, and they are citizens of the UK, these business visitors do not need to apply for a visitor visa prior to travelling, as standard visa waiver provisions apply. However standard NZeTA procedures also apply, and these persons are encouraged to apply for NZeTAs at least 72 hours prior to their departure. These persons must also satisfy all of the standard requirements for all Visa Waiver travellers, which includes meeting character requirements for temporary entry.

- “Training seminars” includes personnel of an enterprise receiving informal training in techniques and work practices relevant to the operation of the enterprise (provided that the training received is confined to observation, familiarisation, and theoretical instruction only and does not lead to the award of a formal qualification under the New Zealand Qualifications Framework), for a period or periods no longer than a total of 3 months in any calendar year
- “Commercial transactions” include management, supervisory and financial services personnel engaging in a commercial transaction for an enterprise (for example, a company) from the UK, for a period or periods no longer than a total of 3 months in any calendar year.

### **Intra-Corporate Transferees (Executives and Managers) – work visas**

These people can apply for a Specific Purpose work visa and be assessed under instructions WS2.1.1.b (*‘A business person seconded to New Zealand as an intra-corporate transferee to take up a position in a multinational company as: -an executive; or -a senior manager; or -specialist personnel’*).

### **Contractual Services Suppliers; and Independent Professionals – work visas**

Please note that the following advice does not limit an immigration officer’s ability to approve applications from other similar types of business persons from the UK or other countries under Specific Purpose or Event Instructions, if they are satisfied that the requirements of these instructions are met.

These people will be encouraged to apply for a Specific Purpose work visa to be assessed under instructions WS2.1.1.c (*‘Business people wishing to undertake business activities in New Zealand who can satisfy an immigration officer that they have genuine reasons to be in New Zealand for a period or periods exceeding 3 months in any one year’*). In the application form, for the question ‘What type of specific purpose or event are you coming to New Zealand for?’, the applicant can select ‘People wishing to undertake business activities in New Zealand for a period exceeding three months in one year’ as the answer option. They can also upload evidence of their qualification and work experience for the ‘Evidence required for your Specific Purpose or Event work visa’ question.

When assessing these applications against the requirements of WS2.1.1.c, column b (Evidence required), specifically: “Evidence of the applicant’s business activities in New Zealand. Business activities are described in V3.5 Business Visitors”, immigration officers can consider the following as business activities, for the purposes of meeting this requirement:

- “Contractual Services Supplier” means a business person employed by an enterprise of the United Kingdom that:
  - a. is not an agency for placement and supply services of personnel and is not acting through such an agency;
  - b. has not established in the territory of New Zealand; and
  - c. has concluded a bona fide contract to supply services to a final consumer in New Zealand, requiring the presence on a temporary basis of its employees in New Zealand in order to fulfil the contract to supply services
- “Independent Professionals” means a self-employed business person with advanced technical or professional skills, without the requirement for a commercial presence, working under a valid contract in New Zealand.

Immigration officers must also be satisfied these people are suitably qualified, as follows:

- Contractual Services Suppliers must have:
  - a. a tertiary-level degree of at least three years in duration; and
  - b. at least six years of relevant experience.
- Independent Professionals must have:
  - a. a degree or diploma resulting from at least three years of formal post-secondary school education; and
  - b. at least six years of relevant experience.