

VISA PAK ISSUE 578 — 10 MAY 2024

## **TEMPORARY ENTRY OF EU BUSINESS PERSONS UNDER THE NEW ZEALAND-EUROPEAN UNION FREE TRADE AGREEMENT (NZ-EU FTA)**

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

The NZ-EU FTA entered into force on 1 May 2024. 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 EU, including several categories for which assessment guidance is being provided, to ensure New Zealand meets its commitments under the FTA: Short-term business visitors; Intra-corporate transferees; Contractual Services Suppliers; and Independent Professionals.

### **Short-term Business Visitors - travelling to New Zealand for training seminars; commercial transactions; and as tourism personnel - border entry and visitor visas**

Given that the agreed duration of stay for these people is less than six months, and they are citizens of the EU, 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 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 theoretical instruction, observation and familiarisation only, and does not lead to the award of a formal qualification), for a period or periods no longer than a total of three months in any calendar year.
- “Commercial transactions” include management and supervisory personnel and financial services personnel (including insurers, bankers and investment brokers) engaging in a commercial transaction for an enterprise located in New Zealand, for a period or periods no longer than a total of three months in any calendar year.
- “Tourism personnel” includes tour and travel agents, tour guides or tour operators attending or participating in conventions, for a period or periods no longer than a total of three months in any calendar year.

### **Intra-Corporate Transferees (Manager or Executive; or Specialist) – 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 EU 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 person employed by an enterprise of the EU that:
  - a. is not an agency for placement and supply services of personnel;
  - b. is not established in New Zealand; and
  - c. has concluded a bona fide service contract to supply services to a final consumer in New Zealand, requiring their temporary presence
- "Independent Professional" means a person established as self-employed in the EU, engaged in the supply of a service who:
  - a. is not contracted through an agency for placement and supply services of personnel;
  - b. is not established in New Zealand; and
  - c. has concluded a bona fide service contract to supply services to a final consumer in New Zealand, requiring their temporary presence.

Immigration officers must also be satisfied these people are suitably qualified. Contractual Services Suppliers and Independent Professionals must have:

- a. a tertiary-level degree of at least three years in duration; and
- b. at least six years of relevant experience.

The following guidance is also available to the public on the Immigration New Zealand (INZ) website:

- Guidance for 'Contractual services suppliers and independent professionals from the European Union' (on how to apply): [How we define a specific purpose or event | Immigration New Zealand](#)
- Guidance for 'Contractual services suppliers and independent professionals from the European Union' (on duration of visa): [How long you can stay on a Specific Purpose Work Visa | Immigration New Zealand](#)