

## IMMIGRATION LAW

# ENTREPRENEUR RESIDENCE CATEGORY

If you have successfully established a business and have been self-employed in that business then you may be eligible for residence under the Entrepreneur Category.

An Entrepreneur Work Visa holder may be eligible to apply under the Entrepreneur Residence Visa. The core requirements for the Entrepreneur Residence Visa are as follows:

- You must be self-employed. This means that you must have established, purchased, or made a substantial investment of at least 25 per cent in a business operating in New Zealand **and**
- That business must have benefitted New Zealand significantly. Please contact Queen City Law to assess whether the "significant benefit test" has been met **and**
- Any partner or children who are with you must not have sought social welfare assistance **and**
- Meet basic health, character and English language requirements

If you meet the above requirements then you may be eligible for residence under the Entrepreneur Category after holding the Entrepreneur Work Visa for 2 years.

If you wish to be eligible for residency faster than this, then there are additional requirements to fulfil:

- You must have invested at least NZ\$0.5 million in the business **and**
- You must have created a minimum of three new fulltime jobs for New Zealand citizens or residents.

If you meet the above requirements then you may be eligible for residence after 6 months.

## CHECKLIST FOR REQUIRED DOCUMENTS

Any documents not in the English language must be accompanied by a full English translation. Translations must:

- be certified as a correct translation made by a person familiar with both languages and competent in translation work; and
- be prepared and certified by a recognised private or official translation service; and
- not be completed by an applicant's family member or a person with an interest in the outcome of the application; and
- be on the official letterhead of the translation service; and
- bear the stamp or signature of the translator.

All documents submitted in support of an application for residence must be originals or certified copies. To be accepted, 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 i.e. a lawyer, notary public, Justice of the Peace or court official.

<b>Basic requirements</b>	<b>Note</b>	<b>Tick</b>
Fully completed and signed application form	If there are any gaps, please put "N/A" (not applicable).	
Application fee	NZ\$3,200.00 (This fee is subject to change). Please complete the credit card authorisation in the application form.	
Medicals & X-rays	<p>Each person included in the application is required to supply medical certificates. These medical certificates must have been completed no longer than <b>three months</b> before the application is lodged.</p> <p>(Please note that children under 12 years and women who are pregnant are not required to undergo an x-ray).</p>	
Full birth certificates	Each person included in the application.	
Evidence of relationship to the principal applicant	See our "Requirements for Partners" information sheet.	
Police reports	<p>Each person included in the application and aged 17 years or older must provide:</p> <p>A police certificate from their country of citizenship; and</p> <p>Police certificates from any country they have lived in for more than 12 months (collectively) in the past 10 years.</p> <p>All certificates must be no older than <b>six months</b> at the time the application is lodged.</p>	
Passport photos	Attach two passport-sized photographs for each person included in the application.	
Passports	Original or a certified copy for each person included in the application.	
English language	<p>A certificate (no older than two years old) from the International English Language Testing System (IELTS), showing a minimum band score of four in each of the four components; or</p> <p>Evidence of an English speaking background. Acceptable evidence includes either:</p> <ul style="list-style-type: none"> <li>- A certificate, or certificates, showing completion of all primary education and a minimum of three years secondary education (that is, the equivalent of New Zealand forms 3 to 5, or year 9 to 11) at schools using English as the language of instruction; or</li> <li>- A certificate showing completion of at least five years of secondary education (that is, the equivalent of New Zealand forms 3 to 5, or year 9 to 11) at schools using English as the language of instruction; or</li> </ul>	

	<p>- A certificate showing that a course of at least 3 years duration, leading to the award of a tertiary qualification at institutions using English as the medium of instruction, was completed; etc.</p>	
Establishment of a business	<p>Certificate of Incorporation under the Companies Act 1993 for a limited liability company.</p> <p>Director and shareholder details from the Companies Office for a limited liability company.</p> <p>Copies of Annual Returns filed with the Companies Office under the Companies Act 1993 for a limited liability company.</p> <p>Partnership deeds/agreements for partnerships.</p> <p>Evidence of sole trader position.</p> <p>Copies of supply/distribution agreements.</p> <p>Details (i.e. receipts/leases/photos, etc) for premises set up.</p> <p>Details of the business' advertising (i.e. brochures/menus, business cards, letterhead, etc).</p>	
Benefit to New Zealand	<p>Original financial statements of profit and loss and cashflow for the New Zealand company or business for the last two years.</p> <p>Copies of all tax and GST returns for the New Zealand company or business for the last two years.</p> <p>Copies of PAYE returns for NZ company or business for the last 2 years PAYE monthly schedules.</p> <p>Letter from Chartered Accountant confirming accounts, employment details and stating that the business is considered to be a going concern.</p> <p>Letters of support from NZ suppliers, distributors or customers in terms of on-going benefit to NZ.</p> <p>Letters of support from commercial premises landlord where appropriate, local MP where appropriate, regional Chamber of Commerce (if a member) and other trade organisations (if a member).</p>	
Additional	<p>Supply only if requested to do so:</p> <p>Evidence of any financial and/or legal obligation towards child custody, including any custody orders.</p>	