

Down to business

With a range of business migration schemes available, it has never been easier for UK applicants to do business in New Zealand, writes **Borey Chum**

The New Zealand Government's new business migration scheme launched on 28 July this year set out to boost the country's economy by making the country more attractive for business and entrepreneurial migrants.

It is now easier for business applicants to immigrate to New Zealand now that the government has simplified its criteria for business migration, while at the same time lowering the capital requirements and broadening the range of investment options.

There are now a range of avenues available to applicants under the various business visa categories arising from the new scheme.

THINKING LONG TERM

The Long Term Business Visa (LTBV) is for applicants who are interested in establishing a business in New Zealand or purchasing a business, and possibly obtaining residency under the Entrepreneur category at a later stage.

The LTBV has no age limit, which is very unique and attractive, as other business destinations, such as Australia, have strict age limits for their business visa categories.

The amount of capital required will be determined by the type of business you are setting up or purchasing, however, applicants will need sufficient capital to maintain themselves and their family for the validity of your visa.

Successful applicants will be granted a multiple-entry, nine-month work visa. At the end of this nine-month period, this visa may be extended for a further 27 months, provided applicants can prove that reasonable steps have been taken to establish and operate the planned business and have ensured that money required to establish this business has been transferred to NZ.

ENTREPRENEUR VISA

Holders of the LTBV, who have successfully established a business may apply for a Residence Visa

under the Entrepreneur Category after spending a minimum of two years in New Zealand.

Applicants must demonstrate that they have established a business in New Zealand and prove that the business is benefiting New Zealand in some way. The applicants also have to be self-employed in New Zealand in that business for at least two years, and their business must be found to be trading profitably or prove that it has the potential to be trading profitably within 12 months.

The LTBV and Entrepreneur category can be successfully used together as a means to obtain residency for those applicants who have sufficient capital, possess business experience, high level management or business ownership experience and want to minimise their business investment.

It is prudent that all applicants seek professional immigration advice on the LTBV and Entrepreneur visa categories and seek legal and financial advice on

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the proposed business, given the risks involved with establishing or purchasing a new business.

INVESTING IN BUSINESS

The revised migrant investment policy aims to attract applicants who wish to make a significant financial contribution to NZ's economy by offering more realistic requirements for capital, language skills and time spent in New Zealand, as well as a far greater flexibility in terms of investment.

There are now only two categories – the Higher Investor Plus (Investor 1) and the Lower Investor (Investor 2):

The Higher Investor Plus (Investor 1) category requires applicants to invest NZ\$10 million (£4.4 million). This level of funds must then be transferred to New Zealand and invested in a suitable investment for three years.

Investor Plus applicants must spend at least 20 per cent of their time in NZ in years two and three and must show that the funds they possess have been legally acquired.

There is no age, business experience or English language requirements that need to be satisfied, however health and character requirements must be met. There is also no limit on the number of Investor 1 applicants.

The Lower Investor (Investor 2) category requires applicants to have the ability to nominate funds or assets equivalent to at least NZ\$1.5 million (£659,889) for investment funds, and NZ\$1 million (£439,926) for settlement funds.

Applicants must meet a minimum points score to lodge an Expression of Interest (EOI) and be invited to apply for residency. A minimum of 20 points must be achieved to submit an EOI and points are awarded for age (65 years or younger), business experience, English language and investment funds. Investor applicants must retain investment funds in an acceptable investment(s) for four

years, and spend at least 40 per cent of their time in New Zealand in years two, three and four.

All applicants for this category must meet health, character and English language requirements. The principal applicant must also have at least three years' business experience. There is also a limit of the number of visas available. A maximum of 300 Investor (Investor 2 Category) visas will be issued each year.

Both investor categories detailed here can be successfully used as a vehicle to obtain residency outright for those applicants who have sufficient capital and who want to adopt a flexible and conservative investment approach.

Applicants should seek professional immigration visa advice to ensure that all requirements can be satisfied and a cautious approach is taken when structuring an EOI points claim.

The scheme aims to attract business applicants looking for a higher quality of life

ENTREPRENEUR PLUS

The new Entrepreneur Plus Category offers residency outright for any applicant who can invest NZ\$500,000 (£219,952) in a new or existing business enterprise in New Zealand, and then, additionally, is able to create and retain three fulltime employment positions in the country.

This category will certainly provide an incentive for applicants to invest at higher levels and create employment by providing a faster path to residence.

The final details of this policy are set to be announced this month when the policy is to take effect.


LETS DO BUSINESS!

New Zealand is a great place to be in business. The 2008 World Bank survey ranked the country as the



number two country for ease of doing business, second only to Singapore. The New Zealand government's new business migration scheme certainly shows a willingness to attract business applicants looking for a higher quality of life for themselves and their family.

It is important that all applicants obtain professional advice and are assisted with meticulous planning and careful consideration before applying for one of the above business visas.

■ **Borey Chum is director of Migration Associates and a qualified New Zealand solicitor who assists applicants with businesses and investments.**
www.migrationassociates.com 

Above New Zealand ranks highly for the way it does business