

Appendix
(reduced version)

Shaun Brown

fyi-request-23203-a81c2b10@requests.fyi.org.nz

Ref: DOIA 2223-2978

Attachment/ bookmark number and page number	Total number of pages in each attachment	Removed pages from each attachment	Remaining number of pages in each attachment	Withholding grounds
Cover page – page 1	1	0	1	n/a
0*	3	Pages 1-3	0	duplicate
1*	2	Pages 1-2	0	out of scope
2*	1	Page 1	0	out of scope
3*	9	Pages 1-9	0	9(2)(a), 6(c)
4 - pages 2-34	34	Page 6	33	9(2)(a), 6(c), out of scope
5 – pages 35-37	3	-	3	9(2)(a), out of scope
6 – pages 38-40	3	-	3	9(2)(a), out of scope
7 – pages 41-47	8	Page 8	7	9(2)(a), 6(c), out of scope
8 – pages 48-50	3	-	3	9(2)(a)
9 – pages 51-53	3	-	3	9(2)(a)
10 – pages 54-55	2	-	2	9(2)(a), out of scope
11 – pages 56-57	2	-	2	9(2)(a), out of scope
12 – pages 58-68	11	-	11	9(2)(a), out of scope
13*	9	Pages 1-9	0	9(2)(a)
14 - pages 69-114	305	Pages 18-91,93-109, 112-141, 143 -190, 192-219, 223-227, 229-257, 259-266, 275-278, 289- 297, 300-305	46	9(2)(a)
15 – pages 115-181	265	Pages 65-157, 159- 179, 159-182, 184 - 260, 262-265	67	9(2)(a), 6(c), out of scope
16 - pages – 182-203	104	Pages 23-104	22	9(2)(a), 6(c), duplicate, out of scope
17 – pages 204-237	259	Pages 25-61, 67-70, 73, 77-259	34	9(2)(a), 6(c), out of scope
18 – pages 238-306	411	Pages 16, 26-52, 63 - 75, 83, 88-90, 111-297, 302-411	69	9(2)(a), 6(c), duplicate, out of scope
19 – pages 307-342	161	Pages 7-10, 38-52, 54-133, 135-159	36	9(2)(a)
20 – pages 343-346	118	Pages 2, 5-11, 13-118	4	9(2)(a)
21 – pages 347-365	292	Pages 267-292, 257-259, 254-255, 242- 252, 225-240, 189-223, 7-186	19	9(2)(a), 6(c), out of scope
22 – pages 366-384	39	Pages 1, 7-24, 32	19	9(2)(a)
23 – pages 385-629	261	Pages 259-261, 246-257, 32	245	9(2)(a), 6(c), out of scope
24*	3	Pages 1-3	0	9(2)(a)
25*	3	Pages 1-3	0	out of scope
26*	122	Pages 1-122	0	6(c)
Total number of pages	2437		629	

*Please note, as these attachments have not been included in the reduced version of the Appendix, there are no bookmarks for these documents in the Appendix below.

IN CONFIDENCE

Application Information

This is a printout of the application details held by Immigration New Zealand's database concerning the Application Number s9(2)(a) of the OIA

This information must only be released to the person it relates to, or a person authorised by the person it relates to, pursuant to the Privacy Act or the Official Information Act. If the reader is not so authorised you are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited.

Application Summary Information:

Description: Visa, Visitor, General
Office held at: Online Christchurch
Location: Filed
Case Manager: Hill, G
Client Number: s9(2)(a) of the OIA
Type: Standard
Status: C

Application Dates:

Date Tendered: 25NOV2016
Date Accepted: 25NOV2016
Date Decided: 14DEC2016
Date Completed: 14DEC2016

Decision: Approved

Total Points: 0

... end of section 'Application Summary Information' ...

Included in this application were the following persons:

Type	Client Number	Surname	Given Name(s)
Principal Applicant	s9(2)(a)	RATH	COLIN DAVID

s9(2)(a)
Out of scope

... end of section 'People included' ...

Fee paid and refunds made for this application:

Fee Type	Amount Due	Payment Date	Method	Type	Status	Amt Paid
Immigration Levy for RATH, COLIN DAVID					Paid	
		01DEC2016	EC	REC	Processed	NZ 14.00
<i>SUB - TOTAL</i>	NZ 14.00					NZ 14.00
Application Fee for RATH, COLIN DAVID					Paid	
		01DEC2016	EC	REC	Processed	NZ 170.00
<i>SUB - TOTAL</i>	NZ 170.00					NZ 170.00

... end of section 'Fee paid and refunds made' ...

s9(2)(a) of the OIA

RATH COLIN DAVID

Question	Question Type (Lodgement Data Entry)	Answer
Signed and completed application form	Lodgement	Yes
Passport size photograph(s)	Lodgement	Yes
Valid passport, travel document or other identity	Lodgement	Yes
All other lodgement requirements met	Lodgement	Yes
Relevant medical documents received	Lodgement	Yes
Maintenance funds or other support	Lodgement	Yes
Onward Travel	Lodgement	Yes

s9(2)(a)

Out of scope

Decisional requirements for this application:

Description	Status	Points Allocated	Officer Updated	Date Last Updated
Onward travel	Yes	0	L361445	14DEC2016
Genuine visit	Yes	0	L361445	14DEC2016
Total time in NZ is within maximum allowed	Yes	0	L361445	14DEC2016
Do all applicants have an Acceptable Standard of Health?	Yes	0	L361445	14DEC2016
Character requirements met?	Yes	0	L361445	14DEC2016

Description	Status	Points Allocated	Officer Updated	Date Last Updated
Exception to instructions	Yes	0	L361445	14DEC2016
All other requirements met?	Yes	0	L361445	14DEC2016

... end of section 'Decisional requirements' ...

--- s9(2)(a) of the OIA

Label Summary Details:

Name	Label Nbr	Label Status	Label holder	Travel Doc	Issuing State
RATH, COLIN DAVID	s9(2)(a) of the OIA	ISSUED	YES	s9(2)(a) of the OIA	

Out of scope
s9(2)(a)

The following Label information is recorded with this application:

Label Nbr: s9(2)(a) of the OIA

Visa Type: Visitor

Place of Issue: Christchurch

Client Number: s9(2)(a) of the OIA

Start Date: 14DEC2016

First Entry By: N/A

Number of Entries: Multiple

Expiry Date Travel: 25MAY2017

Expiry Date Stay: 25MAY2017

Name: RATH, COLIN DAVID

Date of Birth: s9(2)(a) of the OIA

Travel Doc: s9(2)(a) of the OIA

Gender: Male

Nationality: US

Conditions: Stay subject to grant of entry permission. You must leave before visa expiry or face deportation. The holder shall not undertake employment in NZ. The holder shall not study for more than 3 months in every 12 month period in NZ. Financial support evidence not required. Return/onward ticket not required.

s9(2)(a) of the OIA

Released under the Official Information Act 1982

s9(2)(a) of the OIA

IN CONFIDENCE
Application Information

This is a printout of the application details held by Immigration New Zealand's database concerning the Application Number [REDACTED]

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Application Summary Information:

Description: Visa, Interim visa, General
Office held at: Christchurch
Location: Not Allocated
Case Manager: Queue, I
Client Number: [REDACTED]
Type: Standard
Status: C

Application Dates:

Date Tendered: 01DEC2016
Date Accepted: 01DEC2016
Date Decided: 01DEC2016
Date Completed: 01DEC2016

Decision: Approved

Total Points: 0

... end of section 'Application Summary Information' ...

Included in this application were the following persons:

Type	Client Number	Surname	Given Name(s)
Principal Applicant	s9(2)(a) of the OIA	RATH	COLIN DAVID

... end of section 'People included' ...

--- No 'Fee paid and refunds made' records found for s9(2)(a) of the OIA

Lodgement requirements for this application:
RATH COLIN DAVID

Question	Question Type (Lodgement Data Entry)	Answer
Client falls within policy to be considered for an	Lodgement	Yes

... end of section 'Lodgement requirements' ...

Decisional requirements for this application:

Description	Status	Points Allocated	Officer Updated	Date Last Updated
Do you want to approve the interim visa	Yes	0	IvsBatch	01DEC2016

... end of section 'Decisional requirements' ...

--- No 'Contacts' records found for s9(2)(a) of the OIA

--- No 'Label' records found for s9(2)(a) of the OIA

*** end of Application Information report for s9(2)(a) of the OIA

IN CONFIDENCE
Application Information

This is a printout of the application details held by Immigration New Zealand's database concerning the Application Number s9(2)(a) of the OIA

This information must only be released to the person it relates to, or a person authorised by the person it relates to, pursuant to the Privacy Act or the Official Information Act. If the reader is not so authorised you are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited.

Application Summary Information:

Description: Visa, Work, Work to Residence, Entrepreneur Work Visa (Interim)
Office held at: ONLINE
Location: Not Allocated
Case Manager: Parker, S
Client Number: s9(2)(a) of the OIA
Type: Standard
Status: C

Application Dates:

Date Tendered: 09FEB2017
Date Accepted: 09FEB2017
Date Decided: 26JUN2017
Date Completed: 07JUL2017

Decision: Approved
Total Points: 140

... end of section 'Application Summary Information' ...

Included in this application were the following persons:

Type	Client Number	Surname	Given Name(s)
Principal Applicant	s9(2)(a) of the OIA	RATH	COLIN DAVID

... end of section 'People included' ...

Fee paid and refunds made for this application:

Fee Type	Amount Due	Payment Date	Method	Type	Status	Amt Paid
Application Fee for RATH, COLIN DAVID					Paid	
		23FEB2017	EC	REC	Processed	NZ 3,340.00
<i>SUB - TOTAL</i>	NZ 3,340.00					NZ 3,340.00
Immigration Levy for RATH, COLIN DAVID					Paid	
		23FEB2017	EC	REC	Processed	NZ 38.00
<i>SUB - TOTAL</i>	NZ 38.00					NZ 38.00

... end of section 'Fee paid and refunds made' ...

Lodgement requirements for this application:

RATH COLIN DAVID

Question	Question Type (Lodgement Data Entry)	Answer
Signed and completed application form	Lodgement	Yes
Passport size photograph(s)	Lodgement	Yes
Valid passport, travel document or other identity	Lodgement	Yes
All other lodgement requirements met	Lodgement	Yes
Relevant medical documents received	Lodgement	Yes
Maintenance funds or other support	Lodgement	Yes
Onward Travel	Lodgement	Yes

... end of section 'Lodgement requirements' ...

Decisional requirements for this application:

Description	Status	Points Allocated	Officer Updated	Date Last Updated
Business Experience - relevant self employment	No	0	PARKERS	26JUN2017
Business Experience - self employment	Yes	20	PARKERS	26JUN2017
Business Experience - senior management	No	0	PARKERS	26JUN2017
Benefit - New full time employment	Yes	20	PARKERS	26JUN2017

Description	Status	Points Allocated	Officer Updated	Date Last Updated
Benefit - Approved export businesses	No	0	PARKERS	26JUN2017
Benefit - Unique products or services	No	0	PARKERS	26JUN2017
Capital	Yes	50	PARKERS	26JUN2017
Age	Yes	10	PARKERS	26JUN2017
Bonus - regional points	Yes	40	PARKERS	26JUN2017
Bonus - Market research	No	0	PARKERS	26JUN2017
Business Status	Yes	0	PARKERS	26JUN2017
Evidence of funds or maintenance	Yes	0	PARKERS	26JUN2017
Main occupation	Yes	0	PARKERS	26JUN2017
Qualifications	Waive	0	PARKERS	26JUN2017
Region of employment	Yes	0	PARKERS	26JUN2017
Minimum capital requirement met?	Yes	0	PARKERS	26JUN2017
Type of business (industry sector)	Yes	0	PARKERS	26JUN2017
English language requirements met?	Yes	0	PARKERS	26JUN2017
Do all applicants have an Acceptable Standard of Health?	Yes	0	PARKERS	26JUN2017
Character requirements met?	Yes	0	PARKERS	26JUN2017
Exception to instructions	Yes	0	PARKERS	26JUN2017
All other requirements met?	Yes	0	PARKERS	26JUN2017

... end of section 'Decisional requirements' ...

--- s9(2)(a) of the OIA

Label Summary Details:

Name	Label Nbr	Label Status	Label holder	Travel Doc	Issuing_State
RATH, COLIN DAVID	s9(2)(a) of the OIA	ISSUED	YES	s9(2)(a) of the OIA	

The following Label information is recorded with this application:

Label Nbr: s9(2)(a) of the OIA

Visa Type: Work

Place of Issue: Wellington Business Unit

Client Number: s9(2)(a) of the OIA

Start Date: 07JUL2017

First Entry By: N/A
Number of Entries: Multiple
Expiry Date Travel: 07JUL2018
Expiry Date Stay: 07JUL2018
Name: RATH, COLIN DAVID
Date of Birth: s9(2)(a) of the OIA
Travel Doc: s9(2)(a) of the OIA
Gender: Male
Nationality: US
Conditions: Stay subject to grant of entry permission. You must leave before visa expiry or face deportation. Financial support evidence not required. Return/onward ticket not required. The holder may only work as Owner/Operator in Waipara for Waipara Winds Ltd.

... end of section 'The following Label information is recorded with his application' ...

*** end of Application Information report for s9(2)(a) of the OIA

IN CONFIDENCE
Application Information

This is a printout of the application details held by Immigration New Zealand's database concerning the Application Number s9(2)(a) of the OIA

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Application Summary Information:

Description: Visa, Work, Specific Purpose or event
Office held at: Henderson
Location: IGMS Online
Case Manager: Reyes, R
Client Number: s9(2)(a) of the OIA

Type: Standard

Status: C

Application Dates:

Date Tendered: 28MAR2017

Date Accepted: 28MAR2017

Date Decided: 30MAR2017

Date Completed: 30MAR2017

Decision: Approved

Total Points: 0

... end of section 'Application Summary Information' ...

Included in this application were the following persons:

Type	Client Number	Surname	Given Name(s)
Principal Applicant	s9(2)(a) of the OIA	RATH	COLIN

... end of section 'People included' ...

Fee paid and refunds made for this application:

Fee Type	Amount Due	Payment Date	Method	Type	Status	Amt Paid
Application Fee for RATH, COLIN					Paid	
		28MAR2017	EC	WAI	Processed	NZ 260.00
SUB - TOTAL	NZ 260.00					NZ 260.00
Immigration Levy for RATH, COLIN					Paid	
		28MAR2017	EC	WAI	Processed	NZ 38.00
SUB - TOTAL	NZ 38.00					NZ 38.00

... end of section 'Fee paid and refunds made' ...

Lodgement requirements for this application:

RATH COLIN

Question	Question Type (Lodgement Data Entry)	Answer
Signed and completed application form	Lodgement	Yes
Passport size photograph(s)	Lodgement	Yes
Valid passport, travel document or other identity	Lodgement	Yes
All other lodgement requirements met	Lodgement	Yes
Relevant medical documents received	Lodgement	Yes
Maintenance funds or other support	Lodgement	Waive
Onward Travel	Lodgement	Waive

... end of section 'Lodgement requirements' ...

Decisional requirements for this application:

Description	Status	Points Allocated	Officer Updated	Date Last Updated
Job Offer meets instructions	Yes	0	X992414	30MAR2017
Labour market test satisfied	Waive	0	X992414	30MAR2017
Main occupation	Waive	0	X992414	30MAR2017
Region of employment	Waive	0	X992414	30MAR2017
Specific purpose or event	Yes	0	X992414	30MAR2017
Suitably qualified	Waive	0	X992414	30MAR2017
Total time in NZ is within maximum allowed	Waive	0	X992414	30MAR2017
Onward travel	Yes	0	X992414	30MAR2017
Do all applicants have an Acceptable Standard of Health?	Yes	0	X992414	30MAR2017
Character requirements met?	Yes	0	X992414	30MAR2017
Exception to instructions	Yes	0	X992414	30MAR2017
All other requirements met?	Yes	0	X992414	30MAR2017

... end of section 'Decisional requirements' ...

s9(2)(a) of the OIA

Label Summary Details:

Name	Label Nbr	Label Status	Label holder	Travel Doc	Issuing_State
RATH, COLIN	s9(2)(a) of the OIA	ISSUED	YES	s9(2)(a) of the OIA	

The following Label information is recorded with this application:

Label Nbr: s9(2)(a) of the OIA
Visa Type: Work
Place of Issue: Henderson
Client Number: s9(2)(a) of the OIA
Start Date: 30MAR2017
First Entry By: N/A
Number of Entries: Multiple
Expiry Date Travel: 30SEP2017
Expiry Date Stay: 30SEP2017
Name: RATH, COLIN
Date of Birth: s9(2)(a) of the OIA
Travel Doc: s9(2)(a) of the OIA
Gender: Male
Nationality: US
Conditions: Stay subject to grant of entry permission. You must leave before visa expiry or face deportation. Financial support evidence not required. Return/onward ticket not required. The holder may only work as Self employed for not specified in New Zealand.

... end of section 'The following Label information is recorded with this application' ...

*** end of Application Information report for s9(2)(a) of the OIA

IN CONFIDENCE
Application Information

This is a printout of the application details held by Immigration New Zealand's database concerning the Application Number s9(2)(a) of the OIA

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Application Summary Information:

Description: Visa, Work, Work to Residence, Entrepreneur Work Visa (Change of plan)
Office held at: Wellington Business Unit
Location: Assigned
Case Manager: Leslie, A
Client Number: s9(2)(a) of the OIA
Type: Standard
Status: C

Application Dates:

Date Tendered: 03JUL2018
Date Accepted: 03JUL2018
Date Decided: 31JUL2018
Date Completed: 31JUL2018

Decision: Refused to consider

Total Points: 100

... end of section 'Application Summary Information' ...

Included in this application were the following persons:

Type	Client Number	Surname	Given Name(s)
Principal Applicant	s9(2)(a) of the OIA	RATH	COLIN DAVID

... end of section 'People included' ...

— No 'Fee paid and refunds made' records found for s9(2)(a) of the OIA

Lodgement requirements for this application:
 RATH COLIN DAVID

Question	Question Type (Lodgement Data Entry)	Answer
Signed and completed application form	Lodgement	Yes
Passport size photograph(s)	Lodgement	Yes
Valid passport, travel document or other identity	Lodgement	Yes
All other lodgement requirements met	Lodgement	Yes
Relevant medical documents received	Lodgement	Yes
Maintenance funds or other support	Lodgement	Yes
Onward Travel	Lodgement	Yes

... end of section 'Lodgement requirements' ...

Decisional requirements for this application:

Description	Status	Points Allocated	Officer Updated	Date Last Updated
Business Experience - relevant self employment		0		
Business Experience - self employment		0		
Business Experience - senior management		0		
Benefit - New full time employment		0		
Benefit - Approved export businesses		0		
Benefit - Unique products or services		0		
Capital	Yes	50	X993224	31JUL2018
Age	Yes	10	X993224	31JUL2018
Bonus - regional points	Yes	40	X993224	31JUL2018
Bonus - Market research		0		
Genuine reasons for abandoning the original plan		0		
Main occupation		0		
Region of employment		0		
Type of business (industry sector)		0		
Do all applicants have an Acceptable Standard of Health?	No	0	X993224	31JUL2018
Character requirements met?		0		
Exception to instructions	No	0	X993224	31JUL2018
All other requirements met?		0		

... end of section 'Decisional requirements' ...

Contacts for this application:

Contact Type	Contact Name	Adviser Licence Number
Adviser (Licensed)	Malcolm Pacific Immigration, s9(2)(a)	

... end of section 'Contacts' ...

--- No 'Label' records found for s9(2)(a) of the OIA

*** end of Application Information report for s9(2)(a) of the OIA

IN CONFIDENCE
Application Information

This is a printout of the application details held by Immigration New Zealand's database concerning the Application Number s9(2)(a) of the OIA

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Application Summary Information:

Description: Visa, Interim visa General
Office held at: Wellington Business Unit
Location: Not Allocated
Case Manager: Interim, V
Client Number: s9(2)(a) of the OIA
Type: Standard
Status: C

Application Dates:

Date Tendered: 04JUL2018
Date Accepted: 04JUL2018
Date Decided: 04JUL2018
Date Completed: 04JUL2018

Decision: Approved

Total Points: 0

... end of section 'Application Summary Information' ...

Included in this application were the following persons:

Type	Client Number	Surname	Given Name(s)
Principal Applicant	s9(2)(a) of the OIA	RATH	COLIN DAVID

... end of section 'People included' ...

--- No 'Fee paid and refunds made' records found for s9(2)(a) of the OIA

Lodgement requirements for this application:

RATH COLIN DAVID

Question	Question Type (Lodgement Data Entry)	Answer
Client falls within policy to be considered for an	Lodgement	Yes

... end of section 'Lodgement requirements' ...

Decisional requirements for this application:

Description	Status	Points Allocated	Officer Updated	Date Last Updated
Do you want to approve the interim visa	Yes	0	IvsBatch	04JUL2018

... end of section 'Decisional requirements' ...

Contacts for this application:

Contact Type	Contact Name	Adviser Licence Number
Adviser (Licensed)	Malcolm Pacific Immigration, Auckland, s9(2)(a)	

... end of section 'Contacts' ...

--- No 'Label' records found for s9(2)(a) of the OIA

*** end of Application Information report for s9(2)(a) of the OIA

IN CONFIDENCE
Application Information

This is a printout of the application details held by Immigration New Zealand's database concerning the Application Number s9(2)(a) of the OIA

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Application Summary Information:

Description: Visa, Work, Work to Residence, Entrepreneur Work Visa (Balance of 3 years)
Office held at: Wellington Business Unit
Location: Assigned
Case Manager: Leslie, A
Client Number: s9(2)(a) of the OIA
Type: Standard
Status: C

Application Dates:

Date Tendered: 03JUL2018
Date Accepted: 03JUL2018
Date Decided: 31JUL2018
Date Completed: 01AUG2018

Decision: Approved
Total Points: 0

... end of section 'Application Summary Information' ...

Included in this application were the following persons:

Type	Client Number	Surname	Given Name(s)
Principal Applicant	s9(2)(a) of the OIA	RATH	COLIN DAVID

... end of section 'People included' ...

--- No 'Fee paid and refunds made' records found for s9(2)(a) of the OIA

Lodgement requirements for this application:
RATH COLIN DAVID

Question	Question Type (Lodgement Data Entry)	Answer
Signed and completed application form	Lodgement	Yes
Passport size photograph(s)	Lodgement	Yes
Valid passport, travel document or other identity	Lodgement	Yes
All other lodgement requirements met	Lodgement	Yes
Relevant medical documents received	Lodgement	Yes
Maintenance funds or other support	Lodgement	Yes
Onward Travel	Lodgement	Yes

... end of section 'Lodgement requirements' ...

Decisional requirements for this application:

Description	Status	Points Allocated	Officer Updated	Date Last Updated
Investment capital has been transferred to New Zealand	Yes	0	X993224	31JUL2018
Reasonable steps have been taken to establish/invest in the business in the business plan	Yes	0	X993224	31JUL2018
Do all applicants have an Acceptable Standard of Health?	Yes	0	X993224	31JUL2018
Character requirements met?	Yes	0	X993224	31JUL2018
Exception to instructions	Yes	0	X993224	31JUL2018
All other requirements met?	Yes	0	X993224	31JUL2018

... end of section 'Decisional requirements' ...

Contacts for this application:

Contact Type	Contact Name	Adviser Licence Number
Adviser (Licensed)	Malcolm Pacific Immigration, Auckland	s9(2)(a)
Employer	Waipara Winds Ltd, Colin Rath	

... end of section 'Contacts' ...

Label Summary Details:

Name	Label Nbr	Label Status	Label holder	Travel Doc	Issuing_State
RATH, COLIN DAVID	s9(2)(a) of the OIA	ISSUED	YES	s9(2)(a) of the OIA	

The following Label information is recorded with this application:

Label Nbr: s9(2)(a) of the OIA

Visa Type: Work

Place of Issue: Wellington Business Unit

Client Number: s9(2)(a) of the OIA

Start Date: 01AUG2018

First Entry By: N/A

Number of Entries: Multiple

Expiry Date Travel: 07FEB2019

Expiry Date Stay: 07FEB2019

Name: RATH, COLIN DAVID

Date of Birth: s9(2)(a) of the OIA

Travel Doc: s9(2)(a) of the OIA

Gender: Male

Nationality: US

Conditions: Stay subject to grant of entry permission. You must leave before visa expiry or face deportation. Financial support evidence not required. Return/onward ticket not required. The holder may only work as a self-employed business person in North Canterbury for Waipara Winds Ltd (vineyard).

... end of section 'The following Label information is recorded with this application' ...

***** end of Application Information report for s9(2)(a) of the OIA**

IN CONFIDENCE
Application Information

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Application Summary Information:

Description: Visa, Work, Work to Residence, Entrepreneur Work Visa (Balance of 3 years)
Office held at: Wellington Business Unit
Location: Assigned
Case Manager: Leslie, A
Client Number: s9(2)(a) of the OIA
Type: Standard
Status: C

Application Dates:

Date Tendered: 20DEC2018
Date Accepted: 20DEC2018
Date Decided: 22JAN2019
Date Completed: 22JAN2019

Decision: Approved
Total Points: 0

... end of section 'Application Summary Information' ...

Included in this application were the following persons:

Type	Client Number	Surname	Given Name(s)
Principal Applicant	s9(2)(a) of the OIA	RATH	COLIN DAVID

... end of section 'People included' ...

— No 'Fee paid and refunds made' records found for s9(2)(a) of the OIA

Lodgement requirements for this application:
RATH COLIN DAVID

Question	Question Type (Lodgement Data Entry)	Answer
Signed and completed application form	Lodgement	Yes
Passport size photograph(s)	Lodgement	Yes
Valid passport, travel document or other identity	Lodgement	Yes
All other lodgement requirements met	Lodgement	Yes
Relevant medical documents received	Lodgement	Yes
Maintenance funds or other support	Lodgement	Yes
Onward Travel	Lodgement	Yes

... end of section 'Lodgement requirements' ...

Decisional requirements for this application:

Description	Status	Points Allocated	Officer Updated	Date Last Updated
Investment capital has been transferred to New Zealand	Yes	0	X993224	22JAN2019
Reasonable steps have been taken to establish/invest in the business in the business plan	Yes	0	X993224	22JAN2019
Do all applicants have an Acceptable Standard of Health?	Yes	0	X993224	22JAN2019
Character requirements met?	Yes	0	X993224	22JAN2019
Exception to instructions	Yes	0	X993224	22JAN2019
All other requirements met?	Yes	0	X993224	22JAN2019

... end of section 'Decisional requirements' ...

Contacts for this application:

Contact Type	Contact Name	Adviser Licence Number
Adviser (Licensed)	Malcolm Pacific Immigration, Auckland s9(2)(a)	
Contact (Other)	New York Grape Escape Ltd, Colin Rath	
Employer	Waipara Winds Ltd, Colin Rath	

... end of section 'Contacts' ...

Label Summary Details:

Name	Label Nbr	Label Status	Label holder	Travel Doc	Issuing_State
RATH, COLIN DAVID	s9(2)(a) of the OIA	ISSUED	YES	s9(2)(a) of the OIA	

The following Label information is recorded with this application:

Label Nbr: s9(2)(a) of the OIA

Visa Type: Work

Place of Issue: Wellington Business Unit

Client Number: s9(2)(a) of the OIA

Start Date: 22JAN2019

First Entry By: N/A

Number of Entries: Multiple

Expiry Date Travel: 07JUL2020

Expiry Date Stay: 25SEP2020

Name: RATH, COLIN DAVID

Date of Birth: s9(2)(a) of the OIA

Travel Doc: s9(2)(a) of the OIA

Gender: Male

Nationality: US

Conditions: Stay subject to grant of entry permission. You must leave before visa expiry or face deportation. Financial support evidence not required. Return/onward ticket not required. The holder may only work as a self-employed business person in North Canterbury for Waipara Winds Ltd (vineyard).

... end of section 'The following Label information is recorded with this application' ...

***** end of Application Information report for** s9(2)(a) of the OIA

IN CONFIDENCE
Application Information

This is a printout of the application details held by Immigration New Zealand's database concerning the Application Number s9(2)(a) of the OIA

This information must only be released to the person it relates to, or a person authorised by the person it relates to, pursuant to the Privacy Act or the Official Information Act. If the reader is not so authorised you are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited.

Application Summary Information:

Description: Visa, Work, Work to Residence, Entrepreneur Work Visa (Renewal)
Office held at: ONLINE
Location: Actionable
Case Manager: de Bique, R
Client Number: s9(2)(a) of the OIA
Type: Standard
Status: C

Application Dates:

Date Tendered: 02JUN2020
Date Accepted: 02JUN2020
Date Decided: 28AUG2020
Date Completed: 28AUG2020

Decision: Approved

Total Points: 0

... end of section 'Application Summary Information' ...

Included in this application were the following persons:

Type	Client Number	Surname	Given Name(s)
Principal Applicant	s9(2)(a) of the OIA	RATH	COLIN DAVID

... end of section 'People included' ...

Fee paid and refunds made for this application:

Fee Type	Amount Due	Payment Date	Method	Type	Status	Amt Paid
Application Fee for RATH, COLIN DAVID					Paid	
		08JUN2020	EC	REC	Processed	NZ 3,310.00
<i>SUB - TOTAL</i>	NZ 3,310.00					NZ 3,310.00
Immigration Levy for RATH, COLIN DAVID					Paid	
		08JUN2020	EC	REC	Processed	NZ 55.00
<i>SUB - TOTAL</i>	NZ 55.00					NZ 55.00

... end of section 'Fee paid and refunds made' ...

**Lodgement requirements for this application:
RATH COLIN DAVID**

Question	Question Type (Lodgement Data Entry)	Answer
Signed and completed application form	Lodgement	Yes
Passport size photograph(s)	Lodgement	Yes
Valid passport, travel document or other identity	Lodgement	Yes
All other lodgement requirements met	Lodgement	Yes
Relevant medical documents received	Lodgement	Yes
Maintenance funds or other support	Lodgement	Yes
Onward Travel	Lodgement	Yes

... end of section 'Lodgement requirements' ...

Decisional requirements for this application:

Description	Status	Points Allocated	Officer Updated	Date Last Updated
Applicant and family have not drawn on welfare in New Zealand	Yes	0	X992382	28AUG2020
Applicant intends to spend further period implementing plan	Yes	0	X992382	28AUG2020
Evidence of funds or maintenance	Yes	0	X992382	28AUG2020
Time in New Zealand has been spent establishing and operating the original business proposal (or consent has been granted for a change to the plan)	Yes	0	X992382	28AUG2020
Do all applicants have an Acceptable Standard of Health?	Yes	0	X992382	28AUG2020
Character requirements met?	Yes	0	X992382	28AUG2020
Exception to instructions	No	0	X992382	28AUG2020
All other requirements met?	Yes	0	X992382	28AUG2020

... end of section 'Decisional requirements' ...

Contacts for this application:

Contact Type	Contact Name	Adviser Licence Number
Adviser (Licensed)	Malcolm Pacific Immigration, Auckland, s9(2)(a)	
Employer	Waipara Winds Ltd, Colin Rath	

... end of section 'Contacts' ...

Label Summary Details:

Name	Label Nbr	Label Status	Label holder	Travel Doc	Issuing_State
RATH, COLIN DAVID	s9(2)(a) of the OIA	ISSUED	YES	s9(2)(a) of the OIA	

The following Label information is recorded with this application:

Label Nbr: s9(2)(a) of the OIA
Visa Type: Work
Place of Issue: Wellington Business Unit
Client Number: s9(2)(a) of the OIA
Start Date: 28AUG2020
First Entry By: N/A
Number of Entries: Multiple
Expiry Date Travel: 07JUL2023
Expiry Date Stay: 07JUL2023
Name: RATH, COLIN DAVID
Date of Birth: s9(2)(a) of the OIA
Travel Doc: s9(2)(a) of the OIA
Gender: Male
Nationality: US
Conditions: Stay subject to grant of entry permission. You must leave before visa expiry or face deportation. Financial support evidence not required. Return/onward ticket not required. The holder may only work as self-employed business person in North Canterbury for Waipara Winds Ltd (vineyard).

... end of section 'The following Label information is recorded with this application' ...

*** end of Application Information report for s9(2)(a) of the OIA

IN CONFIDENCE
Application Information

This is a printout of the application details held by Immigration New Zealand's
database concerning the Application Number s9(2)(a) of the OIA

This information must only be released to the person it relates to, or a person authorised by the person it relates to, pursuant to the Privacy Act or the Official Information Act. If the reader is not so authorised you are hereby notified that any use, dissemination, distribution or reproduction of this information is prohibited.

Application Summary Information:

Description: Visa, Resident, Entrepreneur category
Office held at: Wellington Business Unit
Location: Not Allocated
Case Manager: Managed, Q
Client Number: s9(2)(a) of the OIA
Type: Standard
Status: A

Application Dates:

Date Tendered: 15JAN2021
Date Accepted: 15JAN2021
Date Decided: -
Date Completed: -

Decision: (not recorded)
Total Points: 0

... end of section 'Application Summary Information' ...

Included in this application were the following persons:

Type	Client Number	Surname	Given Name(s)
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s9(2)(a)

Out of scope

s9(2)(a)

Principal Applicant	s9(2)(a)	Rath	Colin David
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... end of section 'People included' ...

Fee paid and refunds made for this application:

Fee Type	Amount Due	Payment Date	Method	Type	Status	Amt Paid
Application Fee for Rath, Colin David					Paid	
		03FEB2021	EC	REC	Processed	NZ 3,310.00
<i>SUB - TOTAL</i>	NZ 3,310.00					NZ 3,310.00
Immigration Levy for Rath, Colin David					Paid	
		03FEB2021	EC	REC	Processed	NZ 830.00
<i>SUB - TOTAL</i>	NZ 830.00					NZ 830.00

... end of section 'Fee paid and refunds made' ...

Lodgement requirements for this application:

s9(2)(a) of the OIA

s9(2)(a)

Out of scope

s9(2)(a)

Released under the Official Information Act 1982

Rath Colin David

Question	Question Type (Lodgement Data Entry)	Answer
Signed and completed application form	Lodgement	Yes
Passport size photograph(s)	Lodgement	Yes
Valid passport, travel document or other identity	Lodgement	Yes
All other lodgement requirements met	Lodgement	Yes
Relevant medical documents received	Lodgement	Yes
Police Certificate	Lodgement	Yes
Full birth certificate or ID card	Lodgement	Yes
The applicant is NOT liable for deportation or had	Lodgement	Yes

... end of section 'Lodgement requirements' ...

--- No 'Decisional requirements' records found for s9(2)(a) of the OIA

Contacts for this application:

Contact Type	Contact Name	Adviser Licence Number
Adviser (Licensed)	Malcom Pacific Immigration AUCKLAND, Auckland	s9(2)(a)

... end of section 'Contacts' ...

--- No 'Label' records found for s9(2)(a) of the OIA

*** end of Application Information report for s9(2)(a) of the OIA

Released under the Official Information Act 1982

Out of scope

Out of scope

Out of scope

Released under the Official Information Act 1982

Out of scope

Released under the Official Information Act 1982

Application number: s9(2)(a) of the OIA

Client number: s9(2)(a) of the OIA

14 December 2016

s9(2)(a)

Malcolm Pacific Limited

Level 5, 2 Kitchener Street

CBD

Auckland 1010

New Zealand

Dear COLIN RATH

Application for a visitor visa for:

Applicant:

COLIN RATH

Date of birth:

s9(2)(a) of the OIA

s9(2)(a)

Out of scope

Thank you for your application for a visitor visa - General. We received your application on 25 November 2016. We attach the receipt for your fee and immigration levy.

Our decision on your application

I am pleased to tell you that we have approved your application for a New Zealand visitor visa which is valid for stay until 25 May 2017.

Travel Conditions

Your visitor visa includes travel conditions which allow you to re-enter New Zealand as many times as you like until 25 May 2017.

If you depart New Zealand and intend to return after 25 May 2017 you will need to apply to Immigration New Zealand for a new visa.

Re-entry Permission

Re-entry to New Zealand is subject to the grant of entry permission at the border.

Working and studying in New Zealand

You will need to apply to Immigration New Zealand for a work visa if you wish to work during your stay in New Zealand.

While on your visitor visa, you may undertake one or more courses of study or training of not more than three calendar months duration in total (or in each 12 month period if the visa stay conditions are for a minimum of 24 months).

You must not remain in New Zealand after your visa expires

You must hold a valid visa at all times while you are in New Zealand. If you do not hold a valid visa you will be in New Zealand unlawfully and you will be liable for deportation. If you do not leave voluntarily before you are served with a deportation order you will face a prohibition period preventing your return to New Zealand in the future.

Your documents

We are returning your original documents with this letter. The documents are:

- Passports x5
- Purchase agreement
- Copy of bank account
- Tenancy agreement

Make sure you keep your documents and this letter in a safe place for future reference.

Please note that we do not return original copies of the documents you send to us or original medical or police certificates.

Contact us

If you have any questions, you can:

- call our Immigration Contact Centre on 0508 55 88 55 or 09 914 4100, or for those outside of New Zealand +64 9 914 4100, or
- find answers to frequently asked questions or lodge an email enquiry online at <http://kb.immigration.govt.nz>.

Yours sincerely

Gay Hill

Immigration Officer

Immigration New Zealand

Released under the Official Information Act 1982

Application number: s9(2)(a) of the OIA

Client number: s9(2)(a) of the OIA

28 June 2017

s9(2)(a)

Malcolm Pacific Limited

276 Lambton Quay

Wellington 6143

New Zealand

Dear Colin Rath

Application under the Entrepreneur Work Visa Category for:

Applicant:

COLIN RATH

Date of birth:

s9(2)(a) of the OIA

s9(2)(a)

Out of scope

Thank you for applying to the Business Migration office on 09 February 2017 for a work visa under the Entrepreneur Work Visa Category.

Our decision on your application

Congratulations, we are pleased to tell you that we have approved your application in principle.

The next stage is to grant your work visa.

Your work visa

Please send your passport to this office by 28 July 2017. We will grant a work visa to allow you to enter New Zealand to operate your own business on a self-employed basis as you propose. While you are in New Zealand, you must hold a valid visa at all times.

Work visa validity period

At this stage we will grant the first stage of your Entrepreneur Work Visa, which will be valid for 12 months. We will consider granting a work visa for a further two years (for a total of three years) on receiving evidence that you have transferred your investment capital for the proposed business through the banking system to New Zealand, and taken steps to invest in and establish the business as proposed. We attach BB4.5.1 in the Appendix, which provides examples of the evidence you will need to provide in order to be granted a work visa for a further two years.

Your partner and dependent child/ren

If your partner is included in this application, please send their passport to this office, and we will issue them with an "open" work visa. This is on the basis of your partnership. If you have dependent children included in this application, please send their passports to this office, and we will also issue them with a visitor/student visa as your dependent child.

Their visas will have the same validity as yours. While they are in New Zealand, they must each hold a valid visa at all times.

Applying for residence

If you apply for residence in the future, we will assess your application under the requirements of immigration instructions applying at that time.

Settlement Services

We recognise that you will be keen to continue settling into your new life in New Zealand. For any questions about living and working in New Zealand we suggest you visit Immigration New Zealand's Settlement Services website at www.ssnz.govt.nz which has information, including free services that are available.

In particular, the website will tell you about *Settlement Support New Zealand*. It is a contact point for new migrants you can rely on to provide local information about settling into your local area and refer you to the right services, activities, networks and information.

Importing your car, boat, and/or household items

You may be able to bring your car, boat, and/or household items to New Zealand free of Customs charges. For detailed information on restrictions, and to find out if you must pay Customs charges,

see the New Zealand Customs Service website www.customs.govt.nz. For enquiries telephone 0800 428786 (within New Zealand) or +64 9 3005399 (outside New Zealand), or email feedback@customs.govt.nz.

Contact us

If you have any questions, you can:

- call me on 04 896 5853
- email me at sarah.parker@mbie.govt.nz
- call our Immigration Contact Centre on 0508 55 88 55 or 09 914 4100, or for those outside of New Zealand +64 9 914 4100, or
- find answers to frequently asked questions or lodge an email enquiry online at www.immigration.govt.nz/help

You will need to tell us your application and client numbers (see the top of this letter). Please be ready to quote them when you phone.

We look forward to receiving your passport(s) so that we can issue your work visa and appropriate visas for your family.

Yours sincerely

Sarah Parker

Business Immigration Specialist

Immigration New Zealand

Application number: s9(2)(a) of the OIA

Client number: s9(2)(a) of the OIA

02 August 2018

Mr Colin Rath

c/- Malcolm Pacific Immigration

PO Box 6219

Wellesley Street

AUCKLAND 1141

Attn: s9(2)(a), Licensed Immigration Adviser

Dear Mr Rath

Application for a Visa, Work, Work to Residence, Entrepreneur Work Visa ("Balance of 3 year period") for:

Applicant:

Colin David Rath

Date of birth:

s9(2)(a) of the OIA

Out of scope

s9(2)(a)

Please refer to your application for further visas under the Entrepreneur Work Visa (EWV) category, which was received on 03 July 2018.

Capital investment under EWV is recognised on the basis that it includes nominated funds (BB3.5.10). I.e. the funds/assets you nominated at the time of your original EWV application. The standard requirement at this stage is to show that *“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.”* BB4.5ai refers.

In your case the funds/assets as nominated comprises s6(c) [redacted]; and an outstanding balance of s9(2)(a) of the OIA [redacted] is yet to be transferred to NZ. I confirm the advice given to your adviser that we have therefore carefully considered the particular circumstances of your case as an exception to the instructions (in relation to BB3.5.10 and BB4.5ai).

Our decision on your application

Your further New Zealand work visa has now been issued. I confirm that this is based on the information provided at this stage, and represents a seven month extension to the “Entrepreneur Start-Up stage”. Your further visa conditions include: *The holder may only work as a self-employed business person in North Canterbury for Waipara Winds Ltd (vineyard).* The same definition of self-employment (BB6.1.15) remains applicable.

Towards the end of this further period therefore you must provide evidence to satisfy a business immigration specialist that you meet the requirements at BB4.5(a) to be granted an Entrepreneur Balance at the expiry of that second period.

Your further extended work visa is valid to 07 February 2019. This further visa has been issued to you as an extension to the Entrepreneur Start-Up stage in terms of BB4.5.5a (below), s6(c) [redacted] to transfer the outstanding balance of the total proposed investment s9(2)(a) of the OIA [redacted] to NZ through the banking system (in the way prescribed at BB4.5ai), and continue to implement the agreed business plan. This extension to the Entrepreneur Start-Up 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). BB4.5.5c refers. The remaining portion of the “balance of 3 year period” in your case means to 07 July 2020.

Your work visa is multiple entry so that if you leave New Zealand, you will be able to return during the period to work on a self-employed basis in the same business.

The conditions of your work visa

While you are in New Zealand, you must hold a valid visa at all times.

You must also ensure that:

- any time spent in New Zealand is involved in running your own business in North Canterbury as proposed in your business plan; and
- you maintain sufficient funds for your own maintenance and accommodation, and for your partner and the dependent children who are included as a part of your application.

Please note that:

- if the holder of a work visa issued or granted under the EWV category wishes to change their business proposal within the validity of their visa they must seek the consent of a business immigration specialist to the change;
- a visa may be revoked where the applicant is undertaking business activities that breach the conditions of their visa; and
- while in New Zealand on a work visa issued under the EWV category, you are not legally entitled to access benefits through the Social Security Act or Family Support through the Inland Revenue Department (IRD) of New Zealand.

An EWV/LTBV business visa is temporary. It is not an indication that a later residence application will be approved. Any application for residence will be assessed under the terms and conditions applicable at the time any such application is lodged.

Your partner and dependent children

Out of scope

While they are in New Zealand, they must each hold a valid visa at all times.

Notes:

1) Benefit to NZ proposed in your application includes creating employment as defined at BB6.1.25 (attached). In terms of the criteria given in the instructions for both EWV and the Entrepreneur Residence categories, a business may be considered to benefit New Zealand if it promotes New

Zealand's economic growth through creating employment for a New Zealand citizen or resident. Please note that the purposes of the instructions the employment of non New Zealand citizens or residents is not an acceptable example of a business benefiting New Zealand.

2) Businesses established in New Zealand must comply with all relevant employment and immigration law. This includes:

- paying employees no less than the appropriate minimum wage or other contracted industry standard; and*
- meeting holiday and special leave requirements and other statutory criteria, e.g. occupational safety and health obligations; and*
- employing people who have the authority to work under the Immigration Act 2009.*

s9(2)(a) of the OIA

Contact us

If you have any questions, you can:

- call me on (04) 896 5540, or email me at andrew.leslix@xxxx.xxxx.xx
- call our National Contact Centre on 0508 55 88 55 or 09 914 4100.

You will need to tell us your application and client numbers (see the top of this letter). Please be ready to quote them when you phone.

Best wishes for success in implementing your business plan.

Yours sincerely

Andrew Leslie

Business Immigration Specialist

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.

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.

BB4.5 Requirements at the end of the Entrepreneur Start-Up stage

- 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.

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).

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.

BB6.1.25 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\(d\)](#).

22 January 2019



New Zealand Work Visa Approval

Application number [REDACTED] for a New Zealand Work Visa - Entrepreneur Work Visa (Balance of 3 years) has been approved. If this application has been made through an immigration adviser, lawyer or other representative who is exempt from licensing, this entire document must be provided to the applicant.

Work Visa details

Applicant: COLIN DAVID RATH

Date of Birth: [REDACTED]

Gender: Male

Passport number [REDACTED]

Nationality: US

Client number: [REDACTED]

The start date of your visa is: 22 January 2019

You must arrive in New Zealand before: n/a

The number of times you may enter New Zealand using this visa is: Multiple

The last date you may travel to New Zealand is: 07 July 2020

Your visa expires and you must leave New Zealand on or before: 07 July 2020

The conditions of your visa: Stay subject to grant of entry permission. You must leave before visa expiry or face deportation. Financial support evidence not required. Return/onward ticket not required. The holder may only work as a self-employed business person in North Canterbury for Waipara Winds Ltd (vineyard).

PRINT THIS DOCUMENT AND CARRY IT WITH YOUR PASSPORT AT ALL TIMES

The details above reflect the electronic record of your visa held by Immigration New Zealand (INZ). You do not require a visa label in your passport. Do not attempt to alter this letter. It is an offence under the Immigration Act 2009 to use a document that you know has been altered.

Please check that the above visa details match your passport before you travel and contact INZ immediately if there are any errors. If you are offshore, you may only enter New Zealand after the start date of your visa.

You may be asked to show this letter when you check in for your flight to New Zealand and/or when you arrive at the New Zealand border. If you cannot show this letter when asked, the airline may not let you board your flight or you may be delayed when entering New Zealand.

You can only hold one visa at a time. Any previous visa you held is now void and has been replaced by the visa referred to in this letter.

How can you prove your visa details without a visa label in your passport?

Your employer can verify the details of your visa online using VisaView. With your consent, other people or organisations such as health care providers or travel agents can verify the details of your visa using the Visa Verification Service. See: www.immigration.govt.nz/visaview.

Do you have a new passport?

If you get a new passport while this visa is still valid, you must request INZ to update your visa details so that they match your new passport. INZ's website has information on how to do this: <https://www.immigration.govt.nz/new-zealand-visas/already-have-a-visa/transferring-my-visa-to-a-new-passport>.

You must not remain in New Zealand after your visa expires

You must hold a valid visa at all times while you are in New Zealand. If you do not hold a valid visa you will be in New Zealand unlawfully and you will be liable for deportation. If you do not leave voluntarily before you are served with a deportation order you will face a prohibition period preventing your return to New Zealand in the future.

Do you need more information about eVisas, the conditions of your visa, or how to extend your time in New Zealand?

For information about eVisas (label-less visas) go to <http://kb.immigration.govt.nz/item/11271>

To understand your visa conditions, apply to change those conditions, or find out if you may extend your time in New Zealand go to <https://www.immigration.govt.nz/new-zealand-visas/already-have-a-visa/my-situation-has-changed>.

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- While you are in New Zealand, we recommend registering with New Zealand's tax service, Inland Revenue by applying for an IRD number. To find out why you need an IRD number and how to apply for one, go to <http://www.ird.govt.nz/irdnum-individuals>

Message for carriers and border staff

This letter confirms that an electronic visa has been granted for travel to New Zealand. We request your assistance in facilitating the visa holder's travel to New Zealand, in accordance with the conditions set out in the Visa Details box at the top of this letter.

Carriers can verify this visa through the New Zealand Advance Passenger Processing (APP) system or the TIETAC NZ system.

给航空公司和边检人员的信息

本信件确认前往新西兰的电子签证已经发放。我们请您依据本信件“签证详情”栏中所述的签证条件协助该签证持有人前往新西兰。

航空公司可以使用新西兰 Advance Passenger Processing (APP) 系统或新西兰 TIETAC 系统验证本

Released under the Official Information Act 1982



30 March 2017

New Zealand Work Visa Approval



Application number s9(2)(a) of the OIA for a New Zealand Work Visa - Specific Purpose or event has been approved. If this application has been made through an immigration adviser, lawyer or other representative who is exempt from licensing, this entire document must be provided to the applicant.

Work Visa details

Applicant: COLIN RATH

s9(2)(a) of the OIA

The start date of your visa is: 30 March 2017

You must arrive in New Zealand before:

The number of times you may enter New Zealand using this visa is: Multiple

The last date you may travel to New Zealand is: 30 September 2017

Your visa expires and you must leave New Zealand on or before: 30 September 2017

The conditions of your visa: Stay subject to grant of entry permission. You must leave before visa expiry or face deportation. Financial support evidence not required. Return/onward ticket not required. The holder may only work as Self employed for not specified in New Zealand.

PRINT THIS DOCUMENT AND CARRY IT WITH YOUR PASSPORT AT ALL TIMES

The details above reflect the electronic record of your visa held by Immigration New Zealand (INZ). You do not require a visa label in your passport. Do not attempt to alter this letter. It is an offence under the Immigration Act 2009 to use a document that you know has been altered.

Please check that the above visa details match your passport before you travel and contact INZ immediately if there are any errors. If you are offshore, you may only enter New Zealand after the start date of your visa.

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- To contact us with any questions about life in New Zealand, visit: <https://www.newzealandnow.govt.nz/move-to-nz/getting-help-support>
- While you are in New Zealand, we recommend registering with New Zealand's tax service, Inland Revenue by applying for an IRD number. To find out why you need an IRD number and how to apply for one, go to <http://www.ird.govt.nz/irdnum-individuals>

Message for carriers and border staff

This letter confirms that an electronic visa has been granted for travel to New Zealand. We request your assistance in facilitating the visa holder's travel to New Zealand, in accordance with the conditions set out in the Visa Details box at the top of this letter.

Carriers can verify this visa through the New Zealand Advance Passenger Processing (APP) system or the TIETAC NZ system.

给航空公司和边检人员的信息

本信件确认前往新西兰的电子签证已经发放。我们请您依据本信件“签证详情”栏中所述的签证条件协助该签证持有人前往新西兰。

航空公司可以使用新西兰Advance Passenger Processing (APP)系统或新西兰TIETAC系统验证本

Released under the Official Information Act 1982

Application number: s9(2)(a) of the OIA
Client number: s9(2)(a) of the OIA

08 June 2020

COLIN RATH
C/- s9(2)(a), Malcolm Pacific Limited
POBOX 6219, Wellesley Street
Auckland 1141
New Zealand

Dear COLIN RATH

Application for a Visa, Work, Work to Residence, Entrepreneur Work Visa (Renewal) for:

Applicant:

COLIN RATH

Date of birth

s9(2)(a)

s9(2)(a)

Out of scope

Thank you for your application for a Visa, Work, Work to Residence, Entrepreneur Work Visa (Renewal) - Entrepreneur Work Visa (Renewal). We received your application on 02 June 2020 and we accepted it for processing on 02 June 2020.

The receipt for your fee is attached.

The processing time for an application varies as we will need to verify all the information you have sent us. Your immigration officer will be able to advise you of an approximate processing timeframe for your application, once they have completed their initial assessment. If we need any further information, we will contact you to request it.

If the temporary visa you currently hold expires, we are required to stop working on your resident visa application until you obtain a new visa. This can create long delays in processing your resident visa application, so please ensure you hold a valid visa at all times.

You must not remain in New Zealand after your visa expires

You must hold a valid visa at all times while you are in New Zealand. If you do not hold a valid visa you will be in New Zealand unlawfully and you will be liable for deportation. If you do not leave voluntarily before you are served with a deportation order you will face a prohibition period preventing your return to New Zealand in the future.

Your application documents

We are returning the following documents with this letter:

- Receipt
- Make sure you keep your documents and this letter in a safe place for future reference.

Please note that we do not return copies of documents you send to us, or original medical or police certificates.

Contact us

If you have any questions, you can:

- call me on +6499282185
- email me at Robert.De-xxxxx@xxxx.xxvt.nz
- call our Immigration Contact Centre on 0508 55 88 55 or 09 914 4100, or for those outside of New Zealand +64 9 914 4100, or
- find answers to frequently asked questions or email us your enquiry at <http://kb.immigration.govt.nz>

You will need to tell us your application and client numbers (you will find these at the top of this letter). Please have them with you and be ready to quote them if you contact us.

Yours sincerely

Robert de Bique
Business Immigration Specialist
Immigration New Zealand

Released under the Official Information Act 1982

Application number: s9(2)(a) of the OIA
Client number: s9(2)(a) of the OIA

23 June 2020

s9(2)(a)

Malcom Pacific Immigration AUCKLAND
Level 5 2 Kitchener Street
Auckland CBD
Auckland 1010
New Zealand

Dear COLIN RATH

Application for a Visa, Work, Work to Residence, Entrepreneur Work Visa (Renewal) for:

Applicant:

COLIN RATH

s9(2)(a)
Out of scope
s9(2)(a)

Date of birth:

s9(2)(a)

Thank you for your application for a Visa, Work, Work to Residence, Entrepreneur Work Visa (Renewal) - Entrepreneur Work Visa (Renewal) which we received on 02 June 2020.

Our assessment of your application

We have completed a first assessment of your application and need more information before we can go any further.

Please send the following:

- IRD employer monthly schedules for the period 01/01/2020 until 31/05/2020.
- GST returns for the period 01/01/2020 until 31/05/2020.
- **Personal and business** bank accounts for the period 01/08/2019 until 31/01/2020.
- Depreciation schedule for your first at the end of your first years operation.
- Evidence of contracts and invoices from your customers and suppliers and confirmation of payment evidence in the bank statements.
- Any other information you feel provides evidence to realise the implementation of your business proposal.
- A statement explaining how you intend to realise the benefits you claimed in your proposal including revenues, profits and employment levels as outlined taking into account potential impacts from Covid19.

Send the requested information by 30 June 2020

Please send the information we have requested to this office by the above date so we can continue to assess your application.

We recommend that you email the requested information to Robert.de-bique@mbie.govt.nz or, if you are submitting original documents, you can send them to the following address:

Immigration NZ
PO Box 50728
Porirua 5240
Wellington
New Zealand

All supporting documents must be original or certified copies of originals. Any documents not in English must be translated into English by a recognised, independent translation service.

Contact us

If you have any questions, you can:

- call me on +6499282185
- email me at Robert.De-xxxxx@xxxx.xxvt.nz
- find answers to frequently asked questions or email us your enquiry at <http://kb.immigration.govt.nz>, or
- call our Immigration Contact Centre on 0508 55 88 55 or 09 914 4100 or for those outside of New Zealand +64 9 914 4100.

You will need to tell us your application and client numbers (you will find these at the top of this letter). Please have them with you and be ready to quote them if you contact us.

Yours sincerely

Robert de Bique
Business Immigration Specialist
Immigration New Zealand

Application number: s9(2)(a) of the OIA
Client number: s9(2)(a) of the OIA

28 August 2020

s9(2)(a)

Malcom Pacific Immigration AUCKLAND
2 Kitchener Street - Level 5
Auckland Central
Auckland 1010
New Zealand

Dear COLIN RATH

Application under the Entrepreneur Work Visa category for:

Applicant:

COLIN RATH

s9(2)(a)
Out of scope
s9(2)(a)

Date of birth

s9(2)(a)

Thank you for applying on 02 June 2020 for a visa under the Entrepreneur Work Visa category.

Our decision on your application

This allows you to continue to implement your original of business plan approved on 07 July 2017, and operate your own business on a self-employed basis as specified on the visa label. self-employed business person in North Canterbury for Waipara Winds Ltd (vineyard). I attach for your information the applicable definition of self-employment (BB6.1.15).

A further Entrepreneur Work Visa (or Renewal) may be granted beyond the initial 3 year work visa (for periods not exceeding three 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 (BB4.10a). In your case approval has now been given for the maximum available 3 year period, which is to 07 July 2023. I.e. the maximum available six years from the date of issue of your original work visa.

Your work visa is multiple entry so that if you leave New Zealand, you will be able to return during the period to work on a self-employed basis in the same business.

No further EWW "renewal" will be available beyond 07 July 2023 as the shaded note to BB4.10 refers.

The conditions of your work visa

While you are in New Zealand, you must hold a valid visa at all times.

You must also ensure that:

- any time spent in New Zealand is involved in running your Vineyard that contracts grapes to local wine makers, a 2 unit bed and breakfast, and a fully licensed café and bar as proposed in your original business plan; and
- you maintain sufficient funds for your own maintenance and accommodation.
- That you realise any benefits to New Zealand claimed in your proposal which includes;
 - 1 Full time employee in a sustained and ongoing employment.

Please note that:

- a visa may be revoked where the applicant is undertaking business activities that breach the conditions of their visa; and
- while in New Zealand on a work visa issued under the EWV category, you are not legally entitled to access benefits through the Social Security Act or Family Support through the Inland Revenue Department (IRD) of New Zealand.

Remove your eVisa from this letter and carry it with you when travelling.

What visas do your spouse and child/ren have?

s9(2)(a)

Applying for residence

If you apply for residence, we will assess your application under the requirements of immigration instructions applying at that time.

Your documents

- Please keep this letter in a safe place for future reference.

Settlement Services

Immigration New Zealand provides free information to new migrants about living in New Zealand and settling in their local area.

Here are some ways you can access this information:

- Visit www.newzealandnow.govt.nz.
- Phone 0800 776 948 to ask your questions (ask for 'Language Line' to speak to someone in your language).
- Email questions to xxxxxxxxxxxx@xxxx.xx.
- See www.newzealandnow.govt.nz/local for local services.
- Find out about workshops and events for new migrants in your area at www.newzealandnow.govt.nz/calendar.

Contact us

If you have any questions, you can:

- call our Immigration Contact Centre on 0508 55 88 55 or 09 914 4100, or for those outside of New Zealand +64 9 914 4100, or
- find answers to frequently asked questions or lodge an email enquiry online at www.immigration.govt.nz/search

You will need to tell us your application and client numbers (see the top of this letter). Please be ready to quote them when you phone.

Yours sincerely

Robert de Bique
Business Immigration Specialist
Immigration New Zealand

Released under the Official Information Act 1982

28 August 2020

New Zealand Entrepreneur Work Visa approval



Your application for a New Zealand Entrepreneur Work Visa - Entrepreneur Work Visa (Renewal) has been approved. If this application has been made through an immigration adviser, lawyer or other representative who is exempt from licensing, this entire document must be provided to the applicant.

Work Visa Details

Applicant:

COLIN DAVID RATH

Date of Birth:

s9(2)(a) of the OIA

Principal applicant's details

Gender: Male

Nationality:

Passport number: s9(2)(a) of the OIA

Client number: s9(2)(a) of the OIA

The start date of your visa is: 28 August 2020

You must arrive in New Zealand before: N/A

The number of times you may enter New Zealand using this visa is: Multiple

The last date you may travel to New Zealand is: 07 July 2023

Your visa expires and you must leave New Zealand on or before: 07 July 2023

The conditions of your visa: Stay subject to grant of entry permission. You must leave before visa expiry or face deportation. Financial support evidence not required. Return/onward ticket not required. The holder may only work as self-employed business person in North Canterbury for Waipara Winds Ltd (vineyard).

PRINT THIS DOCUMENT AND CARRY IT WITH YOUR PASSPORT WHEN TRAVELLING

The details above reflect the electronic record of your visa held by Immigration New Zealand (INZ). You do not require a visa label in your passport. Do not attempt to alter this letter. It is an offence under the Immigration Act 2009 to use a document that you know has been altered.

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You can only hold one visa at a time. Any previous visa you held is now void and has been replaced by the visa referred to in this letter.

How can you prove your visa details without a visa label in your passport?

With your consent, other people or organisations such as health care providers or travel agents can verify the details of your visa using the **Visa Verification Service**. Your visa details can be verified via the Visa Verification Service 24 hours after the visa is issued. See: www.immigration.govt.nz/visaview.

Do you have a new passport?

If you get a new passport while this visa is still valid, you must request INZ to update your visa details so that they match your new passport. INZ's website has information on how to do this: <https://www.immigration.govt.nz/transfervisa>

You must not remain in New Zealand after your visa expires

You must hold a valid visa at all times while you are in New Zealand. If you do not hold a valid visa you will be in New Zealand unlawfully and you will be liable for deportation. If you do not leave voluntarily before you are served with a deportation order you will face a prohibition period preventing your return to New Zealand in the future.

Do you need more information about eVisas, the conditions of your visa, or how to extend your time in New Zealand?

For information about eVisas go to <https://www.immigration.govt.nz/evisa>

To understand your visa conditions, apply to change those conditions, or find out if you may extend your time in New Zealand go to <https://www.immigration.govt.nz/new-zealand-visas/already-have-a-visa/my-situation-has-changed>.

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- While you are in New Zealand, we recommend registering with New Zealand's tax service, Inland Revenue by applying for an IRD number. To find out why you need an IRD number and how to apply for one, go to <http://www.ird.govt.nz/irdnum-individuals>

BB4.10 Grant of further Entrepreneur Work Visas beyond three years

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;
- 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 10/11/20

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.

BH1 Objective

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

BH2.1 Successful establishment and operation of a business that benefits New Zealand significantly

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

- 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

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](#)).

c. BH2.15 Health and character requirement

d. Principal applicants and partners and/or dependent children included in the application must meet health and character requirements (see [A4](#) and A5).

e. Effective 29/11/2010

f. BH2.20 Payment of fee and immigration levy

g. Applicants applying under the Entrepreneur Residence Visa Category are required to pay the appropriate fee and immigration levy.

h. Effective 07/12/2015

i. BH2.25 Applicants must not have accessed welfare assistance

j. 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.

k. Effective 24/03/2014

BH4.1 Criteria for successfully establishing a business in New Zealand

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 benefiting New Zealand

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

BH5.1 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.

Business Investigation and Support Documents

Released under the Original Information Act 1982

INFORMATION MEMORANDUM

244-246 GEORGES ROAD, WAIPARA
CIC44538



HARCOURTSGRENADIER.CO.NZ

244-246 GEORGES ROAD
WAIPARA
NEW ZEALAND

Andy Nurse

NAI Harcourts Grenadier, Christchurch City

P: 03 371 9126

M: 021 437 143

E: andy.nurse@harcourts.co.nz

NAI Harcourts

GRENADIER

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Disclaimer

Project Director

Released under the Official Information Act 1982

OVERVIEW



244 - 246 Georges Road, Waipara, New Zealand

Well located in one of the prime and recognised wine producing areas of Waipara, this 28 ha property has 13.5 ha of established vineyard, a distinctive French style residence and adjacent tasting room, and is set in a tranquil setting with stunning views and outlook.

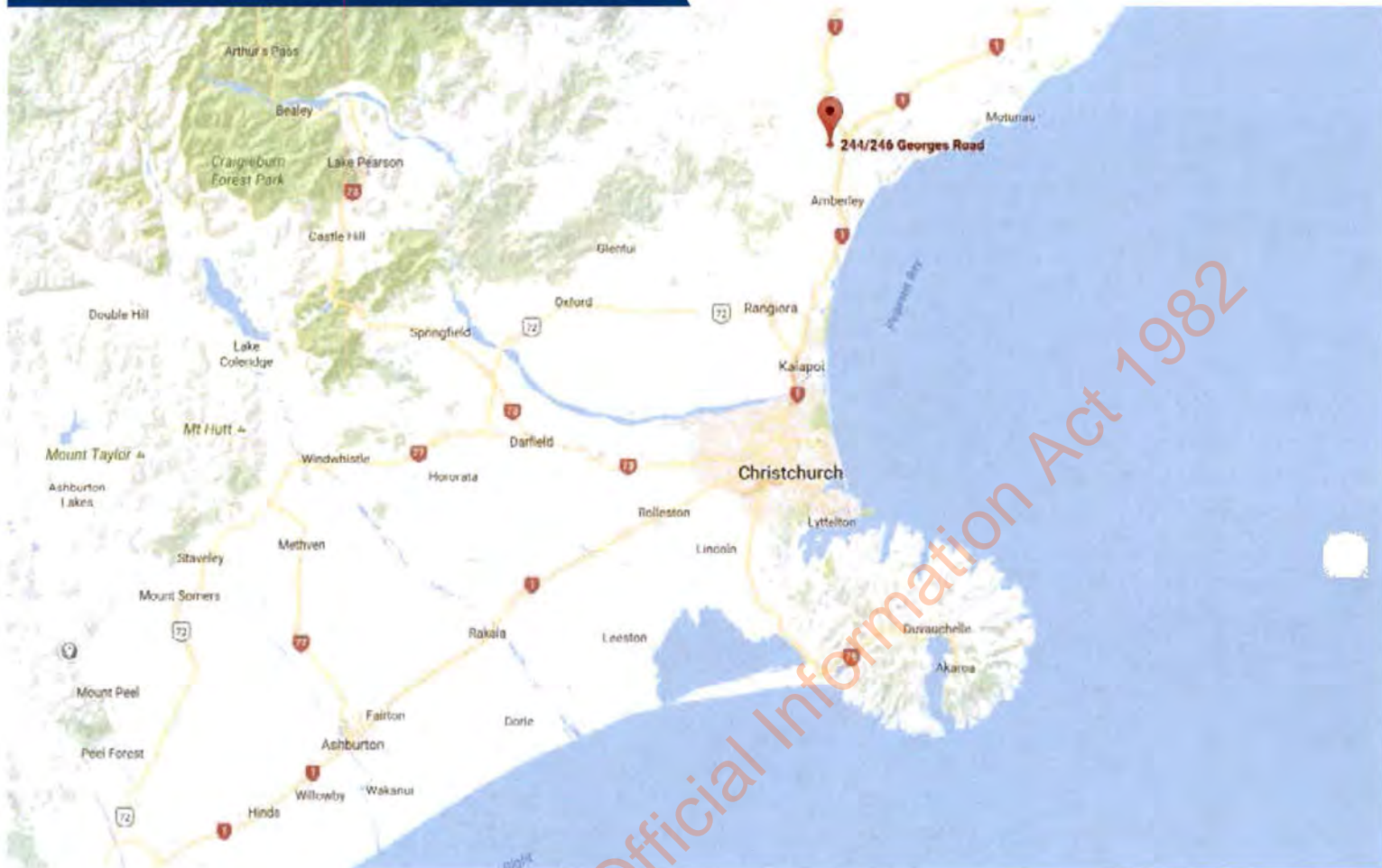
The vineyard, located on the upper of the two terraces on the property, has produced award winning wines and comprises varieties suited to the region and soils, including Chardonnay, Pinot Noir, Riesling, Sauvignon Blanc and Gewurtztraminer.

Vineyard irrigation is supplied from water stored in a 20,000m³ storage dam, which is fed from a gallery located on the lower terrace. There is potential to use this water source for frost protection.

The driveway is lined with mature olive trees creating a very Mediterranean feel, this enhanced by the buildings' style. Mature shelter trees provide privacy and protection from prevailing winds.

Price on Application. Inspection by appointment.

LOCATION



The property is situated on Georges Road, on the southern side of the Waipara river and 4.5km south west of the township of Waipara.

The rapidly expanding town of Amberley is 10 minutes (10km) to the south, and provides all essential services.

Primary schooling is available at Waipara (5km) or Broomfield (6.5km). Secondary schooling is available in Rangiora or Culverden. School bus services are available.

The main centre of Christchurch City is 45 minutes (50km) to the south, providing all facilities including an international airport.

PROPERTY INFORMATION



Legal Description

Lot 1 Deposited Plan 69707 (244 Georges Road)

Lot 1 Deposited Plan 65625 (246 Georges Road)

Certificates of Title

CB40C/475 (244 Georges Road)

CB41A/409 (246 Georges Road)

Canterbury Land Registration District

Areas

19.4600 hectares

9.2800 hectares

Tenure

Freehold Estate in fee simple

Easements

The following interests are showing on the titles:

A224838.12 Consent pursuant to Section 221 Resource Management Act 1991

Transfer 5179503.1 Right of Way; Right to convey water

6706939.2 Right to convey electricity

LAND



The property expands to the north, from a smaller road frontage (175.45m) on Georges Road, to bound the Waipara River to the North. The land designated 244 Georges Road, comprises 19.4600 ha, and has a narrow strip of land running along the side of the 246 Georges Road parcel (9.28 ha) for legal access. The property is in two main terraces, with all the improvements on the upper terrace. The lower terrace comprising approximately 13 ha, is adjacent to and bounds the Waipara River.

The soil maps indicate the soil type to be Glasnevin soils. These are mainly stony sandy loams and silt loam soils over stony gravels. These are lighter stonier soils, with low natural fertility, which are widespread in the region, and well utilised for viticulture.

VINEYARD OVERVIEW



The majority of plantings are grafted plants. The majority of the Sauvignon Blanc, 50% of the Riesling, and 15% of the Pinot Noir are own their own roots. The rows run north/south. Original plantings were in 1994-1996, with further plantings in 1998, 1999, 2003,2005.

A summary of the plantings is as follows: (Approximate vine numbers)

Variety	Area	Planting Date	Rootstock	Spacing	Vine Numbers
Riesling	1.73ha	1994	Own roots	2.8 x 1	4,600
	1.73ha	1996	5C; Schwarzmann	2.8 x 1	4,600
Pinot Noir	3.47ha	1997	101-14	2.45 x 1.8	6,350
	0.12ha	2002	420A	2.45 x 1.8	220
	0.67ha	2003	Own roots	2.5 x 1.6	1,230
Chardonnay	1.68ha	1999	101-14	2.45 x 1.8	4,200
Sauvignon Blanc	0.42 ha	1995	420A	2.8 x 1.2	1,078
	3.24ha	1996	Own Roots	2.8 x 1.2	8,320
Gewurtztraminer	0.45ha	2003-05	101-14,3309, Schw	1.5 x 1.2	2,500
Totals	13.51				33,100

IRRIGATION



Gallery



Reservoir

Water for irrigation is sourced from a gallery located on the lower terrace adjacent to the Waipara River. Water from this source is pumped and stored in a 20,000m³ reservoir. From here water is able to be utilised for irrigation and frost fighting purposes. All vines are dripper irrigated.

Water is drawn from the gallery under two current Resources consents (CRC 145925 and CRC145964). Water is able to be extracted at a rate not exceeding 12.5 litres/second, or 1080m³ per day, between 1 June and 30 September each year, utilising both resource consents. Water is able to be extracted at a rate of 2.99 litres/second, not exceeding 258m³ per day between 1 October and 31 May each year, utilising both resource consents. Total annual water take must not exceed 194,940m³ between 1 July and 30 June.

DOMESTIC AND GENERAL WATER

Water for domestic and general use is sourced from the Hurunui Rural water supply scheme. There is a 4,500 litre storage tank.

YIELDS, PRODUCTION AND END USE



The vineyard has been producing for the Fiddlers Green and Dancing Water brands and has been cropped to achieve the quality levels required for the wines produced.

The following is a summary of production

Variety	2016 est	2015	2014	2013
Pinot Noir	15	2	3.8	
Riesling	15	2	7	
Chardonnay		1	2.5	
Sauvignon Blanc	20	6	14.6	
Gewurtztraminer				
Total	50	11	27.9	15 est

FROST

The vineyard has experienced frost events in its history. A Heat Ranger prototype PTO driven movable frost protection machine has been used with mixed results. Frost protection is required to ensure protection and assure production. There is potential to utilize the water available and stored on the property for this purpose.

BUILDINGS



A combination residence, tasting room and storage facility in a Mediterranean style is located in the centre of the property.

There is good access, ample parking and an impressive outlook to the north for visitors.

RESIDENCE



An attractive residential building on two levels. The construction is concrete floor and concrete tilt slab walls, Onduline roof, timber/aluminium joinery. French inspire design with louvered shutters and northern terrace area. Comprising 121m², this is an attractive and functional building. The lower level comprises a kitchenette with open plan living area, bathroom, toilet and laundry.

TASTING ROOM



The 60m² tasting room is of the same construction as the residential section. It has a separate office and kitchen area.

STORAGE



78m² 2 bay storage facility with mezzanine floor and double roller door access.

IMPLEMENT SHED



There is a 4 bay implement/storage shed. Comprising 100m², built with post and timber frame and corrugated iron walls and roof.

OTHER IMPROVEMENTS

Shelter

The property has mature shelter belts on the eastern and southern boundaries, and internal mature shelter to the south of buildings running across the property.

Access

There is access by shingle drive from Georges Road to the buildings area, and on to the end of the top terrace.

There is access to the lower terrace adjacent to the Waipara River.

Boundary Fencing

The property is fenced on three boundaries by conventional, sound post and wire fencing.

DISCLAIMER

This information has been supplied by the vendor or the vendor's agents. Accordingly Grenadier Real Estate Ltd is merely passing over this information as supplied to us by the vendor or the vendor's agents. We cannot guarantee its accuracy and reliability as we have not checked, audited, or reviewed the information and all intending purchasers are advised to conduct their own due diligence and investigation into this information. To the maximum extent permitted by law Grenadier Real Estate Ltd does not accept any responsibility to any person for the accuracy or use of the information herein.

PROJECT DIRECTOR

ANDY NURSE LICENSED SALES CONSULTANT

HARCOURTSGRENADIER.CO.NZ

Andy has spent the whole of his working life in the rural sector. He is now applying his enthusiasm and energy to expanding the rural division and sales with Harcourts.

Following the completion of an Agricultural Commerce degree at Lincoln University, he attained the status of registered valuer and registered primary industry consultant, and operated for a 15 year period in private valuation and consulting practice, on a very diversified range of land based activities. This included planning and managing two lifestyle subdivisions.

His "hands on" experience includes management of a sheep and beef farming venture, and the establishment and operation of a deer enterprise. This was followed by the setting up and operation of two wine brands - from vineyard establishment, to wine production, brand creation, marketing and sales.

Wide ranging knowledge, experience and understanding of the rural scene and range of land use, enables Andy to bring a complete approach to the property field. This is a big plus to those looking to sell or buy property.

Andy's approachable manner, the thorough, professional and personalised service Harcourts is renowned for, fit well with his determination to work closely with clients to achieve their goals.

M: 021 437 143
P: 03 371 9126
E: ANDY.NURSE@HARCOURTS.CO.NZ

CHRISTCHURCH CITY OFFICE
98 MOORHOUSE AVE
CHRISTCHURCH
HARCOURTSCHRISTCHURCHCITY.CO.NZ



BRINGING THE WORLD TO YOU

Harcourts International has over 800 offices and 5,000 Sales Consultants in:

	AUSTRALIA	273 OFFICES	1,249 SALES CONSULTANTS
	AUSTRALIA - Landmark Harcourts	133 OFFICES	165 SALES CONSULTANTS
	CHINA/HONG KONG	28 OFFICES	310 SALES CONSULTANTS
	FIJI	2 OFFICES	9 SALES CONSULTANTS
	INDONESIA	26 OFFICES	228 SALES CONSULTANTS
	NEW ZEALAND	175 OFFICES	1,895 SALES CONSULTANTS
	SOUTH AFRICA/ BOTSWANA/ZAMBIA	141 OFFICES	702 SALES CONSULTANTS
	USA	16 OFFICES	375 SALES CONSULTANTS

We're a highly successful multi-national real estate company. We have the global, national and local connection for buying and selling real estate. That's the combined resources of thousands of consultants across ten countries. Then there's the advanced systems and training. So our people can recognise every opportunity for their clients - and step up and grab it.

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Professionals Engaged in New Zealand

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Prof
engaged

Investment Funds

- Tab 7 - Nominated Asset
- Tab 8 - Documentation to confirm original Purchase of Nominated Asset
- Tab 9 - Company Ownership documentation and Operating Agreements
- Tab 10 - US Income Revenue Statements

Maintenance & Settlement Funds

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Business experience

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English Language

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DOCUMENT WAIVER FOR LODGEMENT PURPOSES

I, Jonathan Maitland, Immigration Manager, holder of a warrant of designation 3146 hereby direct, waive by special direction the requirement for an original passport when applying for a visa (regulation 34(1)(a) of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010) for Colin Rath, s9(2)(a)

The following has been taken into consideration in deciding to waive the above required document:

- Certified copies of the passports have been provided for each applicant as well as certified copies of their birth certificates thus establishing their identities.
- Evidence that the client applied for Canada Police Certificate have been provided.
- All other lodgement requirements have been met and requesting original passports would delay the processing of the application.

Document has been waived for lodgement purposes only.

Signature: s9(2)(a) of the OIA

s9(2)(a) of the OIA

Jonathan Maitland
23 February 2017

PASSPORTS

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PPTs

Birth Certificate

Released under the Official Information Act 1982

Medical

Released under the Official Information Act 1982

Josephine De Leon

From: s9(2)(a) of the OIA
Sent: Wednesday, 22 February 2017 10:30 a.m.
To: Josephine.DeLeon@mbie.govt.nz
Cc: s9(2)(a) of the OIA
Subject: FW: Further Mandatory Documents required for Colin Rath AN: s9(2)(a) of the OIA
Attachments: image001.jpg; image002.jpg; image003.jpg; image004.jpg; image005.jpg; image006.jpg; image007.jpg; image008.gif; image009.jpg

Hi Josephine

I hope that you are well.

I am following up the email sent to you by my colleague s9(2)(a) of the OIA on 15 February 2017.

I have spoken to the INZ call centre this morning and have been informed that this application is still yet to be accepted and lodged. I tried to call you this morning to understand by but there was no answer.

It has been 1 week since the message below, can you please take the necessary steps to accept this application so that it can be processed?

I look forward to your response,

Regards

s9(2)(a)

CANADIAN
PC
FOR
COLIN
RATH.

MALCOLM PACIFIC IMMIGRATION
Trust - Integrity - Service

Malcolm Pacific (Auckland) Limited
Level 5, 2 Kitchener Street, Auckland 1010, New Zealand

Phone: +64 9 300 1107

Website: www.malcolmpacific.com

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From: s9(2)(a) of the OIA
Sent: 15 February 2017 9:41 a.m.
To: 'Josephine.DeLeon@mbie.govt.nz'

Cc:
Subject: Further Mandatory Documents required for Colin Rath AN: s9(2)(a) of the OIA Entrepreneur Work Visa

Dear Josephine

RE: Further Mandatory Documents required for Colin Rath AN: s9(2)(a) of the OIA Entrepreneur Work Visa

Thank you for your email to my colleague s9(2)(a) of the OIA s9(2)(a) of the OIA Due to the nature of your email and deadline I am responding.

It should be noted that the Canadian police clearance process for someone offshore is now done digitally and therefore Mr Rath received a secure link and printed off a copy of his police clearance.

I have inserted below the process he followed.

In today's digital world this is not uncommon and I am aware that this meets Immigration requirements for other countries (i.e: I have recently had a residence application processed and approved with a copy of an FBI clearance).

It is crucial that this application is accepted for lodgement and is not returned and therefore I would request that you discuss the lodgement of this application with Katy Macleod.

Could you please confirm by return email once this application is lodged.

Regards

s9(2)(a)



Malcolm Pacific (Auckland) Limited
Level 5, 2 Kitchener Street, Auckland 1010, New Zealand
P.O. Box 6219, Wellesley Street, Auckland 1141, New Zealand

s9(2)(a)
Email: s9(2)(a)
Website: www.malcolmpacific.com

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From: Colin Rath s9(2)(a) of the OIA
Sent: Tuesday, 14 February 2017 5:48 p.m.
To: s9(2)(a) of the OIA
Subject: Canadian Fingerprint process

This is the order process: Then they email you a secure link and you can print it out. The password is part your birth year and social security number.

to me

I CANNOT STRESS THIS ENOUGH. THE FINGERPRINTS YOU PROVIDE MUST BE CLEAN AND CLEAR ENOUGH TO DIGITIZE. (There is an example in the package). IF YOU DO NOT PROVIDE SUITABLE FINGERPRINT IMAGES AND THEY CANNOT BE DIGITIZED, ADDITIONAL SETS OF FINGERPRINTS WILL HAVE TO BE PROVIDED, ADDING TO YOUR EXPENSE AND PROCESSING TIME.

Hello,

You are about to start the process of having your ink fingerprints digitalized and submitted to the RCMP, from outside of Canada. This will result in you obtaining an RCMP Canadian Criminal record check. We are here to help assist you along the way, making it a smooth transaction. The information below and the documents in the attachment are here to help you understand the process.

How to start:

You will start by reading through the forms attached. Please print them off.

You will then contact your local police. They will assist you with obtaining your fingerprint or directing you to an agency or service that provides them.

(#1)

Please bring the forms below to the police station/agency or fingerprint service:

(Forms are in attachments)

-Form C216C

-Consent form

-Example of fingerprints (This document is to help the official that is taking your fingerprints with how the fingerprints should be laid out)

-Capturing legible fingerprints (This document is to help the official that is taking your fingerprints to guarantee they are high quality /legible fingerprints for our scanning.)

Fingerprinting Forms

C216c Requirements

Document #1- Complete the following (print clearly)

You're signature• & the signature of the official taking the fingerprints.

The date•

Full legal name•

Date of birth•

Sex•

Your telephone number•

Your home address•

Reason for the application (example: visa/immigration/pardon etc.)•

The stamp or name and address of the department or agency that provided the fingerprints.
(Stamp anywhere on the form)•

10 rolled and **10 flat** fingerprint impressions

- "Level of clearance" field is **NOT** required.

Please Note: Other country fingerprint forms are acceptable as long as the format of fingerprinting is similar. If you complete the fingerprints and are unsure if the fingerprint quality is suitable you may email a scan of them to ottawa@morphocanada.ca They will be verified and you will receive confirmation back whether or not they should be redone. Please remember we will require all documents in their original form and no scanned documents can be used for processing. You may also send additional fingerprint forms so we can pick and choose from which are best.

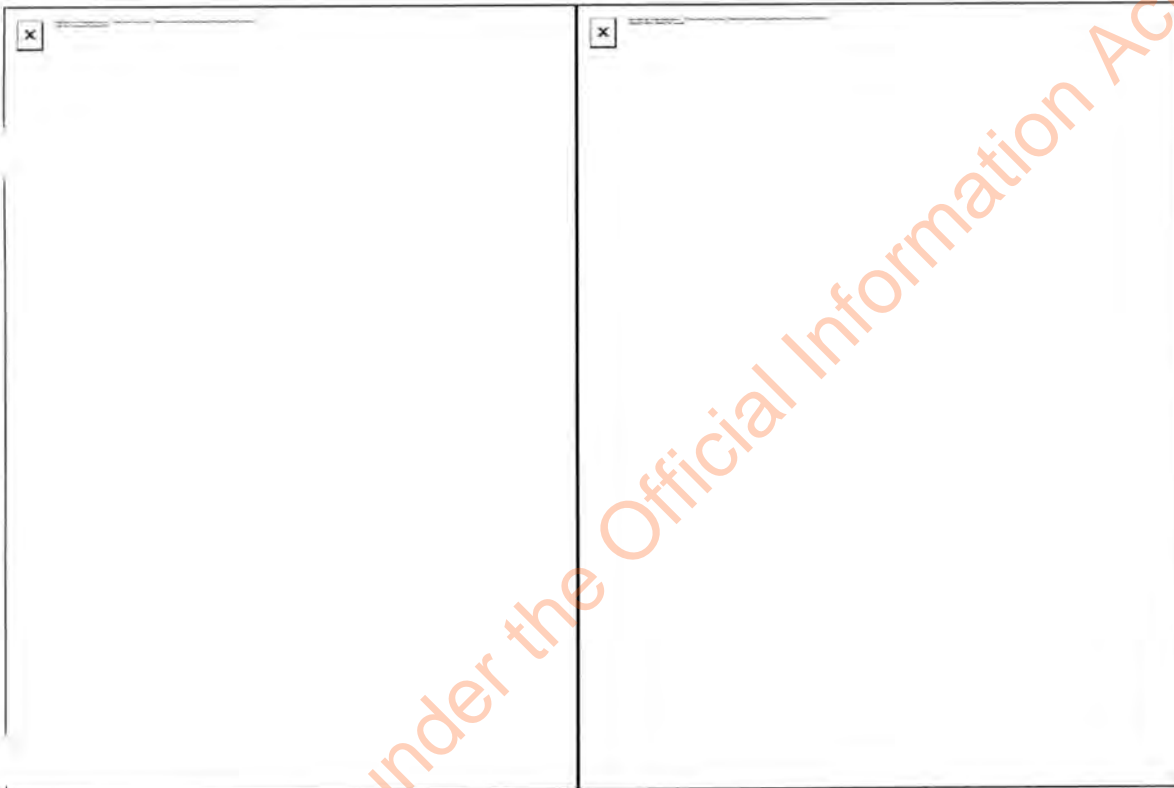
Consent form Requirements

Document #2- Complete the following (print clearly)

- One fingerprint impression in the box (check off which finger used; in the space provided.)

Full name of applicant•
Date of birth•
Reason•
Third party's full mailing address (or our Ottawa office address)•

Below are examples of the forms you need to complete while at your local police station/agency or fingerprint service.



(#2)

Complete the Applicant Information form, Invoice form, Cover letter and Checklist. NOTE: Add your email and "full current home address" on the applicant info form.

Our Office Forms

Applicant Information Requirements

Document # 3- Complete the following (print clearly)

Full name of applicant•

Full home address•

Phone number•

Email address•

Date of birth•

Sex•

Reason for the request•

Results destination- 3 choices (choose one)•

Invoice Requirements

Document # 4 -Complete the following (print clearly)

Select a price based on the reason for your request. •

Number of original copies•

Credit card information (recommended) or include a certified cheque or Canadian money order in Canadian funds. •

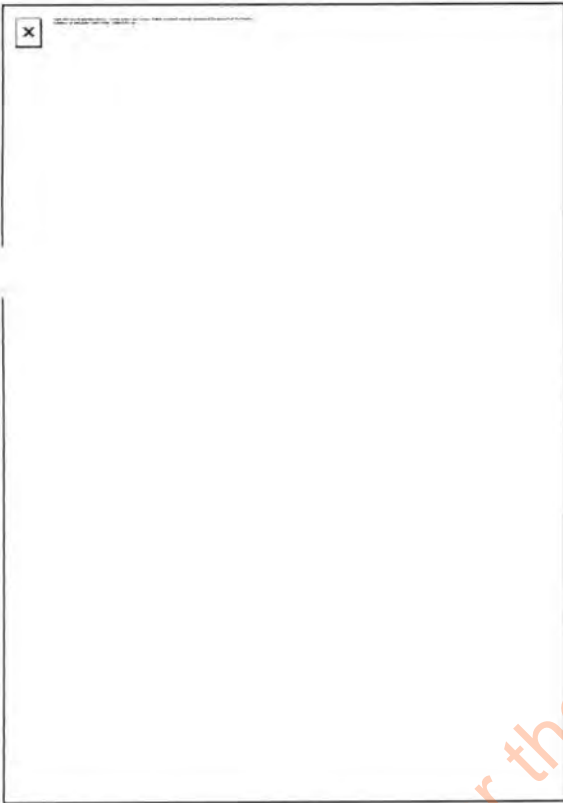
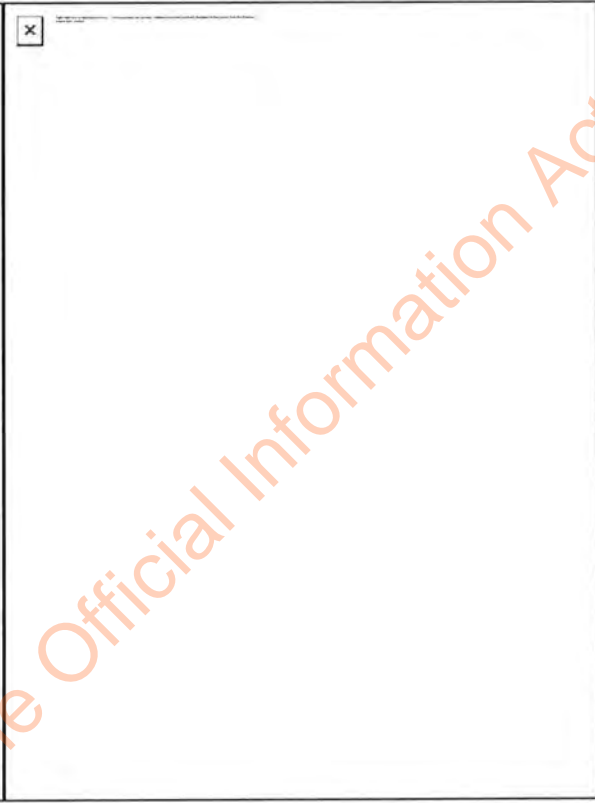
Indicate how results should be sent i.e. via Courier or regular mail•


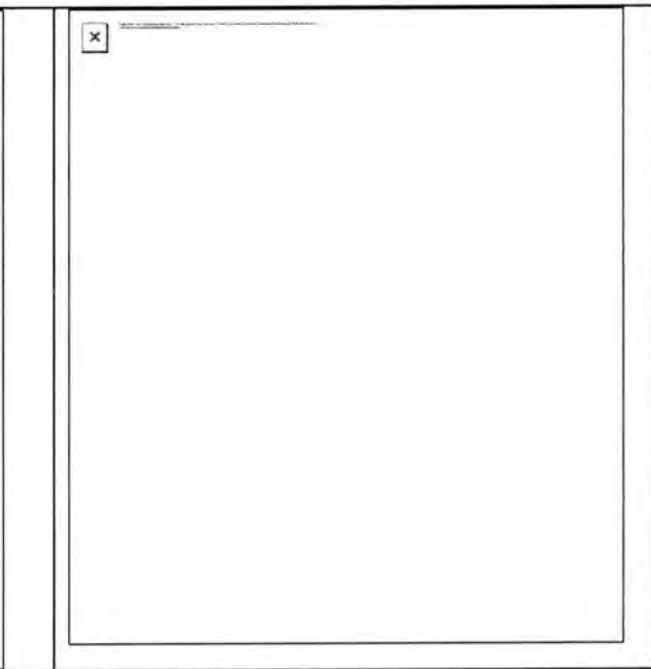
Full mailing address for the results after RCMP processing (This does not have to be your home address. - Lawyer /friend /family / immigration /etc.)•

Document #6 – Typed Cover letter (follow instructions)

Please complete and double check the Checklist (page 14)

Below are examples of the forms you need to complete:

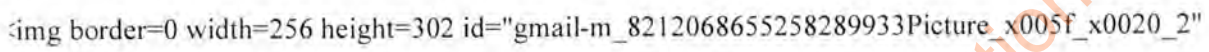
	
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(#3)

Get two pieces of government issued identification certified. NOTE: One of the identification must have a photo. Lawyer, Notary Public or Commissioner of Oaths can assist you with having this done.

A broken image placeholder with the following attributes: border=0, width=256, height=302, id="gmail-m_8212068655258289933Picture_x005f_x0020_2".

Released under the Official Information Act 1982

Josephine De Leon

From: s9(2)(a) of the OIA
Sent: Wednesday, 15 February 2017 9:41 a.m.
To: Josephine De Leon
Subject: Further Mandatory Documents required for Colin Rath s9(2)(a) of the OIA Entrepreneur Work Visa

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Regards

s9(2)(a)



MALCOLM PACIFIC IMMIGRATION
Trust · Integrity · Service

Malcolm Pacific (Auckland) Limited
Level 5, 2 Kitchener Street, Auckland 1010, New Zealand
PO Box 6219, Wellesley Street, Auckland 1141, New Zealand

s9(2)(a)

Website: www.malcolmpacific.com

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From: Colin Rath [mailto:s9(2)(a) of the OIA]
Sent: Tuesday, 14 February 2017 5:48 p.m.
To: s9(2)(a) of the OIA
Subject: Canadian Fingerprint process

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(Forms are in attachments)

-Form C216C

-Consent form

-Example of fingerprints (This document is to help the official that is taking your fingerprints with how the fingerprints should be laid out)

-Capturing legible fingerprints (This document is to help the official that is taking your fingerprints to guarantee they are high quality /legible fingerprints for our scanning.)

Fingerprinting Forms

C216c Requirements

Document #1- Complete the following (print clearly)

You're signature• & the signature of the official taking the fingerprints.

The date•

Full legal name•

Date of birth•

Sex•

Your telephone number•

Your home address•

Reason for the application (example: visa/immigration/pardon etc.)•

The stamp or name and address of the department or agency that provided the fingerprints.
(Stamp anywhere on the form)•

• **10 rolled** and **10 flat** fingerprint impressions

• "Level of clearance" field is **NOT** required.

Please Note: Other country fingerprint forms are acceptable as long as the format of fingerprinting is similar. If you complete the fingerprints and are unsure if the fingerprint quality is suitable you may email a scan of them to ottawa@morphocanada.ca They will be verified and you will receive confirmation back whether or not they should be redone. Please remember we will require all documents in their original form and no scanned documents can be used for processing. You may also send additional fingerprint forms so we can pick and choose from which are best.

Consent form Requirements

Document #2- Complete the following (print clearly)

- One fingerprint impression in the box (check off which finger used; in the space provided.)

Full name of applicant•

Date of birth•

Reason•

Third party's full mailing address (or our Ottawa office address)•

Below are examples of the forms you need to complete while at your local police station/agency or fingerprint service.

s9(2)(a) of the OIA

(#2)

Complete the Applicant Information form, Invoice form, Cover letter and Checklist. NOTE: Add your email and "full current home address" on the applicant info form.

Our Office Forms

Applicant Information Requirements

Document # 3- Complete the following (print clearly)

Full name of applicant•

Full home address•

Phone number•

Email address•

Date of birth•

Sex•

Reason for the request•

Results destination- 3 choices (choose one)•

Invoice Requirements

Document # 4 -Complete the following (print clearly)

Select a price based on the reason for your request.•

Number of original copies•

Credit card information (recommended) or include a certified cheque or Canadian money order in Canadian funds.•

Indicate how results should be sent i.e. via Courier or regular mail•

Full mailing address for the results after RCMP processing (This does not have to be your home address. - Lawyer /friend /family / immigration /etc.)•

Document #6 – Typed Cover letter (follow instructions)

Please complete and double check the Checklist (page 14)

Below are examples of the forms you need to complete:

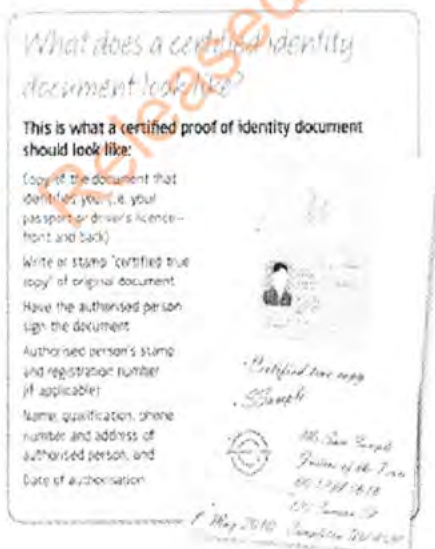
s9(2)(a) of the OIA

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(#3)

Get two pieces of government issued identification certified. NOTE: One of the identification must have a photo. Lawyer, Notary Public or Commissioner of Oaths can assist you with having this done.



(#4)

Mail out Forms:

s9(2)(a) of the OIA

K2P 1B6

– If you need this RCMP document Authenticated or Legalized by an Embassy, Consulate or Foreign / after it's processed - Please contact

IDC every@idocscanada.ca -613-701-0533

http://info.idocscanada.ca/our_services/

IDC will pick up your RCMP Criminal record check in our office usually within the same day

Please note: This is a True Certified copy of your Criminal record within Canada. RCMP has certified it official seal.

Our primary goal is to provide you with the best customer service.

We look forward to working with you.

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Police Certificate

Released under the Official Information Act 1982

5/1/17

Colin David Rath

s9(2)(a) of the OIA

s9(2)(a)

To whom it may concern:

To purpose of this letter to is provide an explanation for the criminal history listed on my FBI Police Certificate.

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s9(2)(a) of the OIA

Colin Rath

Released under the Official Information Act 1982

Application number: s9(2)(a) of the OIA

Client number: s9(2)(a) of the OIA

07 July 2017

s9(2)(a)

Malcolm Pacific Limited
2 Kitchener Street
Auckland
New Zealand

Dear COLIN RATH

Application under the Entrepreneur Work Visa Category for:

Applicant:

Colin Rath

Out of scope

s9(2)(a)

Date of birth:

s9(2)(a)

Thank you for applying to the Business Migration Branch on the 09 February 2017 for a work visa under Entrepreneur Work Visa Category.

Our decision on your application

The first stage of your New Zealand work visa has now been issued. This allows you to enter New Zealand to work on a self-employed basis in the business and location specified. The visa is valid until 07 July 2018, i.e. the 12 months specified at BB4.1.

Your work visa is multiple entry so that if you leave New Zealand, you will be able to return during the period to work on a self-employed basis in the same business.

Further visa

We will consider issuing you a further work visa for the "balance of 3 year period" on receiving evidence to show that you have transferred your investment capital for the proposed business to New Zealand, and taken steps to establish your venture. The policy requirements are outlined in the Appendix.

Notes:

1) You will need to show that your investment capital for the proposed business, as stated in the business plan, has been transferred direct from your own bank account(s) through the banking system to New Zealand. Other methods of transferring the funds to New Zealand are unacceptable.

2) *Examples of the appropriate types of evidence to show the bank funds transfer are provided in the Appendix.*

3) *You will need to show reasonable steps have been taken to establish or invest in the business as set out in the business plan. Examples of the appropriate types of evidence are in the Appendix.*

4) *A benefit proposed is to create employment. In terms of the criteria given in the instructions for the Entrepreneur Work and Residence categories, a business may be considered to benefit New Zealand if it promotes New Zealand's economic growth through creating employment for New Zealand citizen/s or resident/s. Please note that, for the purposes of the instructions, the employment of non-New Zealand citizens or residents will not be accepted as an example of a business benefiting New Zealand.*

5) *Businesses established in New Zealand must comply with all relevant employment and immigration law. This includes:*

1. *paying employees no less than the appropriate minimum wage or other contracted industry standard, and*
2. *meeting holiday and special leave requirements and other statutory criteria, e.g. health and safety obligations, and*
3. *employing people who have the authority to work under the Immigration Act 2009.*

The conditions of your work visa

While you are in New Zealand, you must hold a valid visa at all times.

You must also ensure that:

4. any time spent in New Zealand is involved in setting up or running your own business as proposed; and
5. you maintain sufficient funds for your own maintenance and accommodation, and for your partner and the dependent child who are included as a part of your application.

Please note that:

6. if the holder of a work visa issued or granted under the Entrepreneur Work Visa or Long Term Business Visa (LTBV) category wishes to change their business proposal within the validity of their visa they must seek the consent of a business immigration specialist to the change,
7. applicants on an Entrepreneur Work Visa may only make one request for a change of plan,
8. a visa may be revoked where the applicant is undertaking business activities that breach the conditions of their visa, and
9. while in New Zealand on a work visa issued under the Entrepreneur Work Visa Category or LTBV category, you are not legally entitled to access benefits

through the Social Security Act or Family Support through Inland Revenue (IR) in New Zealand.

An Entrepreneur Work Visa is a temporary visa. It is not an indication that a later residence application will be approved. Any application for residence will be assessed under the terms and conditions applicable at the time any such application is lodged.

s9(2)(a)

Applying for residence

If you apply for residence in the future, we will assess your application under the terms and conditions applying at that time.

Contact us

If you have any questions, you can:

1. call our Immigration Contact Centre on 0508 55 88 55 or 09 914 4100
2. find answers to frequently asked questions or lodge an email enquiry online at www.immigration.govt.nz/help

You will need to tell us your application and client numbers (see the top of this letter). Please be ready to quote them when you phone.

We wish you every success in setting up and operating your business in New Zealand.

Yours sincerely

Sarah Parker
Business Immigration Specialist
Immigration New Zealand

Appendix:

BB2.1 Entrepreneur Work Visas

1. The Entrepreneur Work Visa is a category of temporary entry class visa with conditions that allow self-employment in New Zealand.
2. Applicants for an Entrepreneur Work Visa may be approved, if they meet the following conditions:
 1. a minimum capital investment of NZ\$100,000, excluding working capital (as defined in BH6.1.50), unless this requirement is waived under BB3.5.1(b); and
 2. meeting or exceeding the pass mark (as set out in BB3.10) on a scale which awards points for factors relating to the likely success of the proposed business and its value to New Zealand.
3. 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.
4. 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

1. 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.
2. 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.
3. 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.
4. 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.
5. 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 and immigration levy is paid.

BB2.1.5 Conditions of Entrepreneur Work Visas

1. The conditions specified on an Entrepreneur Work Visa will include the following conditions relating to work:
 1. As: Self-employed
 2. For: (Business type and trading name of business)
 3. At: (Location of business)
2. The travel conditions on the visa will give permission to travel to New Zealand for multiple journeys.
3. 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.

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).

BB4.5 Requirements at the end of the Entrepreneur Start-Up stage

1. Towards the end of the Entrepreneur Start-Up stage, the holder must provide evidence sufficient to satisfy a business immigration specialist that:
 1. 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
 2. reasonable steps have been taken to establish or invest in the business as set out in the business plan.

BB4.5.1 Evidence of reasonable steps taken to establish and operate a business

1. Evidence of transferring investment capital to New Zealand through the banking system may include but is not limited to:
 1. telegraphic transfer forms
 2. other documents, evidence and information the business immigration specialist considers may demonstrate the transfer of investment capital to New Zealand through the banking system.
3. Evidence of reasonable steps taken to establish and operate a business may include but is not limited to:
 1. documents evidencing the constitution of the business (e.g. certificate of incorporation)
 2. audited accounts
 3. GST records
 4. other tax records
 5. property purchase or lease documents relating to the business' site
 6. invoices for business equipment and supplies
 7. 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).

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MALCOLM PACIFIC IMMIGRATION

Trust · Integrity · Service

MALCOLM PACIFIC (AUCKLAND) LTD
2 Kitchener Street, Auckland
PO Box 6219, Wellesley Street, Auckland 1141, New Zealand
Tel: +64 9 309 4187 Fax: +64 9 366 4730
email: akid@malcolmpacific.com
www.malcolmpacific.com

3 July 2017

BY OVERNIGHT COURIER

Immigration New Zealand
Business Migration Branch
Level 12
State Insurance Building
1 Willis Street
WELLINGTON 6011

RECEIVED

2017

BUSINESS MIGRATION BRANCH
N.Z. IMMIGRATION SERVICE

Attention: Sarah Parker

Dear Sarah

Colin David Rath

s9(2)(a)

Thank you for your email of 28 June 2017.

Enclosed are the passports for the above named for the issue of the Entrepreneur "Start-Up" Work Visas. Once visa labels are issued please return the passports by courier to Malcolm Pacific Immigration at the street address on this letter.

Thank you for your assistance.

Yours faithfully

s9(2)(a) of the OIA

RECEIVED

4 JUL 2017

5f PP

BUSINESS MIGRATION BRANCH
N.Z. IMMIGRATION SERVICE

Application number: s9(2)(a) of the OIA

Client number: s9(2)(a)

28 June 2017

s9(2)(a)

Malcolm Pacific Limited
276 Lambton Quay
Wellington 6143
New Zealand

Dear Colin Rath

Application under the Entrepreneur Work Visa Category for:

Applicant:

COLIN RATH

s9(2)(a)

Date of birth:

s9(2)(a)

Out of scope

Thank you for applying to the Business Migration office on 09 February 2017 for a work visa under the Entrepreneur Work Visa Category.

Our decision on your application

Congratulations, we are pleased to tell you that we have approved your application in principle.

The next stage is to grant your work visa.

Your work visa

Please send your passport to this office by 28 July 2017. We will grant a work visa to allow you to enter New Zealand to operate your own business on a self-employed basis as you propose. While you are in New Zealand, you must hold a valid visa at all times.

Work visa validity period

At this stage we will grant the first stage of your Entrepreneur Work Visa, which will be valid for 12 months. We will consider granting a work visa for a further two years (for a total of three years) on receiving evidence that you have transferred your investment capital for the proposed business through the banking system to New Zealand, and taken steps to invest in and establish the business as proposed. We attach BB4.5.1 in the Appendix, which provides examples of the evidence you will need to provide in order to be granted a work visa for a further two years.

Your partner and dependent child/ren

If your partner is included in this application, please send their passport to this office, and we will issue them with an "open" work visa. This is on the basis of your partnership. If you have dependent children included in this application, please send their passports to this office, and we will also issue them with a visitor/student visa as your dependent child.

Their visas will have the same validity as yours. While they are in New Zealand, they must each hold a valid visa at all times.

Applying for residence

If you apply for residence in the future, we will assess your application under the requirements of immigration instructions applying at that time.

Settlement Services

We recognise that you will be keen to continue settling into your new life in New Zealand. For any questions about living and working in New Zealand we suggest you visit Immigration New Zealand's Settlement Services website at www.ssnz.govt.nz which has information, including free services that are available.

In particular, the website will tell you about *Settlement Support New Zealand*. It is a contact point for new migrants you can rely on to provide local information about settling into your local area and refer you to the right services, activities, networks and information.

Importing your car, boat, and/or household items

You may be able to bring your car, boat, and/or household items to New Zealand free of Customs charges. For detailed information on restrictions, and to find out if you must pay Customs charges, see the New Zealand Customs Service website www.customs.govt.nz. For enquiries telephone 0800 428786 (within New Zealand) or +64 9 3005399 (outside New Zealand), or email feedback@customs.govt.nz.

Contact us

If you have any questions, you can:

- call me on 04 896 5853
- email me at sarah.parker@mbie.govt.nz
- call our Immigration Contact Centre on 0508 55 88 55 or 09 914 4100, or for those outside of New Zealand +64 9 914 4100, or
- find answers to frequently asked questions or lodge an email enquiry online at www.immigration.govt.nz/help

You will need to tell us your application and client numbers (see the top of this letter). Please be ready to quote them when you phone.

We look forward to receiving your passport(s) so that we can issue your work visa and appropriate visas for your family.

Yours sincerely

s9(2)(a) of the OIA

Sarah Parker
Business Immigration Specialist
Immigration New Zealand

Released under the Official Information Act 1982

Assessment template:



**Entrepreneur Work Visa
Start Up**

Application Number : s9(2)(a)
PA Name : Colin Rath DOB: s9(2)(a)
Partner : Out of scope DOB: s9(2)(a)
DA1 : s9(2)(a) DOB: s9(2)(a)
DA2 : s9(2)(a) DOB: s9(2)(a)
DA3: s9(2)(a) DOB: s9(2)(a)
Date Accepted : 09/02/2017
LIA/Lawyer : s9(2)(a), Malcolm Pacific

Documents provided

Birth certificates Yes
Passports Yes
Medical certificates Yes
Police clearances Yes
NSC Check N/A

IELTS Certificate Other - US Citizen and US Bachelor qual

Additional activities

Information request Yes
PPI No
Verification request No
Interview No

Character

The following documents have been provided:

PA: Canada 29/12/2016 = clear
USA 27/12/2016 - s9(2)(a) of the OIA. PA has provided credible explanation and evidence to support the fact that these are charges only, and not convictions. Satisfied PA meets character requirements and does not fall under A5.25.

s9(2)(a) of the OIA [Redacted]

s9(2)(a) of the OIA [Redacted]. PA has declared the above charges.

NSC = n/a

A CRISM check done on 08/06/2017 does not raise any triggers or warnings.

Alerts - none

I am satisfied the applicants meet character as per A5.1 and BB2.1 instructions.

Health

Medicals sighted as follows:

s9(2)(a) of the OIA

I am satisfied that the applicants meet health requirements as per section A4 of the immigration instructions.

Identity

R2.40 and E4.50.1

Applicants have supplied certified copies of their passports. Passports of DAs' and PA have been previously scanned authentic (as per AMS notes). SA's passport has been MRZ checked.

AND

Applicants' have provided full birth certificates which state their name, date of birth and place of birth

I am satisfied with the applicants' identities.

Partnership E4.5

E4.5.20 Evidential requirements for partners

a. If a partner is included in an application, or is applying in their own right as the partner of a temporary entry class visa holder, a New Zealand citizen, or residence class visa holder, the following must be provided:

- i. evidence of their relationship, and
- ii. evidence that demonstrates they are living together with that partner in a genuine and stable relationship (E4.5.35 sets out the types of evidence that are required).

Evidence includes:

- MC dated s9(2)(a) of the OIA
- 3 x children together
- NZ tenancy agreement, commenced s9(2)(a) of the OIA
- Documents addressed to NY address for PA dated s9(2)(a) of the OIA
- Documents addressed to NY address for SA dated s9(2)(a) of the OIA

I am satisfied that PA and partner are currently living together in a genuine and stable relationship.

Dependents/Custody E4.1.1 & E4.1.10

Children are all under 18, single and substantially reliant on the PA/SA for financial support
Comment:

s9(2)(a) of the OIA


I am satisfied the children included in the application can be considered dependants and there are no concerns in relation to custody as both parents are included in the application.

English Language

PA is a US Citizen and has provided evidence that he completed a Bachelor's qualification in the US.

I am satisfied PA meets English as per BB3 and BF instructions.

Business Summary

Description of proposed type of business:	Vineyard that contracts grapes to local wine makers, a 2 unit bed and breakfast, and a fully licensed café and bar.
New or Existing:	Existing
Trading as:	Waipara Winds Ltd
Location:	Waipara, North Canterbury
Proposed # of FTEs:	2
PA's proposed shareholding:	50% PA and 50% 
Unique product or service:	No
Total Investment:	\$500,000

Proposed Capital Investment

Applicant has advised the business will require \$500,000 capital investment.

<u>Investment</u>	<u>Value (NZD)</u>
Vineyard	\$500,000
TOTAL	\$500,000

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:

- passive or speculative investment(s), such as reserve funds or term deposits; or*
- the purchase of items for the personal use of the applicant(s), such as personal residences, cars or boats; or*
- remuneration paid to the applicant(s) or their immediate family; or*
- 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.*

Comment:

I am satisfied the proposed capital investment can be recognised.

BB3.5 Requirement for capital investment

- The principal applicant must:*
 - nominate funds and/or assets equivalent in value to the total capital investment identified in the business plan; and*
 - demonstrate ownership of these funds and/or assets (see BB3.5.5); and*
 - demonstrate that the nominated funds and/or assets have been earned or acquired legally (see BB6.1.5).*

Nominated Funds (Section K1-K4)

<u>Nominated Funds</u>	<u>Value in NZD</u>
------------------------	---------------------

s6(c)

I am satisfied the applicant has nominated funds/assets equivalent in value to the total capital investment identified in the business plan

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).

Supporting documents provided

The following documents have been provided as evidence of ownership of capital investment:

s9(2)(a)

I am satisfied the applicant has demonstrated ownership of these funds and/or assets

Funds earned legally (BB3.5.b.iii, BB3.5.5c)

Claims:

- s9(2)(a) of the OIA

Supporting documents provided:

s9(2)(a)

Comment:

I am satisfied the applicant has demonstrated that the nominated funds and/or assets have been earned or acquired legally

Points Awarded

Investment (NZD)	Points	Claimed	Awarded
1,000,000	80		
750,000	60		
500,000	50	50	50
400,000	30		
300,000	20		
200,000	10		
< 200,000	0		

I am satisfied the applicant can be awarded the 50 points claimed for \$500,000 capital investment.

Settlement funds BB3.1(g)(ii)

The application form details that the applicant has s9(2)(a) of the OIA per month available for maintenance and support.

Evidence provided:

s9(2)(a)

I am satisfied that the applicant has sufficient funds to provide maintenance and accommodation for the period of the Entrepreneur Work Visa for themselves and any partner or dependent children who will accompany them to New Zealand.

Business experience

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.

Relevant self-employment	Points	Claimed	Awarded
10 years	40		
5 years	30		
3 years	20		
Other Self-employment			
10 years	20	20	
5 years	15		
3 years	5		
Relevant Senior Management Experience			
10 years	10		
5 years	5		

Business experience declared in application (Section M2 to M5 of application)

DATES	COMPANY	POSITION
s9(2)(a) of the OIA		

Evidence provided:

s9(2)(a)

I am satisfied that the documentation provided conclusively confirms PA's claimed employment history and that they can be awarded the 20 points they have claimed for 10 years of other self-employment business experience.

Relevant Business Experience

BB 3.1.h.i. - Applications for an Entrepreneur Work Visa may be approved if a business immigration specialist is satisfied that the applicant has sufficient business experience relevant to their business proposal.

BB3.15(d)(iii)- The business plan must include satisfactory evidence that the principal applicant has sufficient business experience that is relevant to their business proposal

Comment: I am satisfied that the PA has the necessary management skills to operate that business, and has detailed in the business plan that specialist viticulture staff will be employed to look after the vineyard side of the business.

I am satisfied the applicant has demonstrated sufficient relevant business experience.

Knowledge of NZ

BB3.15 Requirements for a business plan

Business plans must:

E. demonstrate to the satisfaction of a business immigration specialist that:

- i. the principal applicant has sufficient relevant knowledge about the proposed business and the New Zealand business environment; and
- ii. 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;

Comment:

- PA has engaged a number of viticulture specialists and s9(2)(a) of the OIA to assess the feasibility of operating the business.
- PA will be employing viticulture-trained staff to look after the grapes, and he and s9(2)(a) will operate the café and B&B side of the business
- PA is already leasing the property from the owners
- The PA's business plan includes contracting out the wine making.
- The B&B and café are to be financed through bank loan. This is evidenced on page 6 of the business plan which shows s9(2)(a)

I am satisfied that the applicant possesses adequate knowledge of the New Zealand business environment and market to optimise their chances of succeeding.

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:
- as demonstrated in written employment contracts for the role; and
 - 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:
- are for two or more new roles with fixed hours that are equivalent to one new full time job; and
 - are for permanent and ongoing roles as demonstrated in written employment contracts for the roles; and
 - meet all employment and immigration laws; and
 - 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).

New Full-Time Employment	Points	Claimed	Awarded
10+ F/T	80		
5 + F/T	50		
3 F/T	30		
2 F/T	20	20	20
1 F/T	10		

Role	Salary	Hours/week
------	--------	------------

s9(2)(a) of the OIA

Comment:

- The applicant has also acknowledged the need for 4 staff to operate the café, but has not claimed points for this employment
- The PA s9(2)(a) of the OIA be working in the business and taking a salary of s9(2)(a) s9(2)(a) from Year 2. This is accounted for under the wage projections for the B&B/Cafe and the Vineyard.
- The wages for the s9(2)(a) have been accounted for in the business plan under 'canopy/pruning/harvesting wages

I am satisfied that the applicant can be awarded the 20 points for employment benefit that has been claimed.

Financial Forecasts

BB3.15 Requirements for a business plan

- e. demonstrate to the satisfaction of a business immigration specialist that:
- iii. the principal applicant's financial forecasts are realistic.

	REVENUE	EMPLOYEE SALARY	NET PROFIT
YEAR 1	s9(2)(a) of the OIA		
YEAR 2			
YEAR 3			

Relevant assumptions included in the business plan:

- **s9(2)(a) of the OIA**

Comments:

- café/b&b/wine sales do not commence until Year 2. Year 1 is grape sales only.

Export Turnover (based on a credible business plan with realistic forecasts) **n/a**

Annual Export Turnover (NZD)	Points	Claimed	Awarded
1,000,000	80		
750,000	60		
500,000	40		
400,000	30		
300,000	20		
200,000	10		

Comments: (Section M8 of application)

-

I am satisfied that the applicant can be awarded the ** points for annual exports that have been claimed.

Unique or new products or services to New Zealand n/a

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.

I am satisfied the proposed business will provide a new or unique product or service and can be awarded ** points for this.

Benefit to New Zealand

BB3.15.5a. iv - Information provided by the applicant demonstrating how their business will significantly benefit New Zealand.

BH4.10 Criteria for a business benefiting New Zealand

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.

I am satisfied the proposed business will significantly benefit New Zealand through creating sustained and ongoing full time employment for one or more New Zealand citizens or residents

Location and Bonus Points

BB6.1.35 Definition of a business based outside Auckland

PA proposes business will be based in Waipara, North Canterbury.

Factors considered by applicant in deciding location of their business:

- PA is buying a pre-existing vineyard

I am satisfied the applicant has provided credible business reasons for the business to be based in Waipara, and can therefore be awarded 40 bonus points for location.

Age

	Points	Claimed	Awarded
24 and under	15		
25-29	20		
30-39	20		
40-49	20		
50-59	10	10	10
60 and over	0		

The applicant has provided a passport and birth certificate confirming that they are eligible for the points claimed for age.

Genuine intent

BB3.1(h)i.

I am satisfied that the applicant 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.

Objective of policy

BB3.15 Requirements for a business plan

e. demonstrate to the satisfaction of a business immigration specialist that:

- iii. the proposed business meets at least one of the business characteristics identified in the objective of the Entrepreneur Work Visa Category, as outlined in BB1.

BB1 Objective *The objective of this category is to contribute to economic growth by enabling experienced business people to grow or establish a high growth and innovative business with export potential in New Zealand*

Comment: PA has claimed to meet objective through being high growth, for the reasons of revitalising an existing business by creating two or more full time and ongoing jobs for New Zealanders and doubling the annual turnover of the business.

I am not satisfied the proposed business meets at least one of the business characteristics identified in the objective being high growth.

Bankruptcy and Business Failure BB3.1(e) & (f)

PA has declared that they have not been involved in bankruptcy, business failure or convicted of fraud or financial impropriety (Question J4 & J5 of the Application Form). There is no evidence to suggest otherwise.

I am satisfied that the PA meets this aspect of instructions.

Professional or Occupational Registration

BB3.1d the applicant has obtained professional or occupational registration in New Zealand if registration is required for operating the proposed business.

Applicant does not require any professional or occupational registration.

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.

Based on the proposed business plan, I am satisfied the applicant's business does not pose an unacceptable risk to New Zealand laws or policies.

Fit and proper – for applications lodged on or after 10/11/2016

BB3.1

Applications for an Entrepreneur Work Visa may be approved if:

j. the applicant meets fit and proper person requirements (see BM1);

From the business documents provided, there is no indication that applicant has been involved in an incident of non-compliance with any relevant immigration, employment or taxation law in force in the country where the business operates. Also, applicant does not appear to be under investigation by Serious Fraud or NZ police for offences arising or resulting from any business dealings. There is no conviction record for the PA as per Police Certificate supplied particularly for offense involving dishonesty in NZ or foreign country. There is no indication that PA has been involved in business fraud or financial impropriety.

I am satisfied PA meets the fit and proper person requirement in line with BM instructions.

Verification and Risk profiling

s6(c) of the OIA

s6(c) of the OIA

Points Summary

	Points Claimed	Points Awarded
Capital investment	50	50
Type of Experience	20	20
Claimed F/T Employment	20	20
Exports per year		
Age	10	10
Outside Auckland	40	40
Unique Good or Service		
Total Points	140	140

The applicant has claimed 140 points of which 140 have been awarded

APPROVAL:

I am **satisfied** that the applicant:

- has submitted a credible business plan that meets the requirements of BB instructions; and
- the PA can implement the business plan as proposed ; and
- has sufficient knowledge of NZ business environment; and
- has sufficient business experience that is relevant to the business proposal.

I am not satisfied that the applicant has a business proposal that *meets one of the business characteristics of the objectives of policy as required under BB3.15.e*; however I am granting and Exception to Instructions on the Objective, as discussed with the Manager. An ETI has been granted after taking into consideration the type of business, the location of the business, the potential employment opportunities for the region, and the PA's significant business experience.

Decision taken:

s9(2)(a) of the OIA

Business Immigration Specialist
Date: 26/06/2017

Sarah Parker
Business Immigration Specialist

APPROVE

s9(2)(a) of the OIA

2PC

Joshua Honeywill
Technical Advisor

27/06/2017

Sarah Parker

From: s9(2)(a) of the OIA
Sent: Tuesday, 20 June 2017 9:18 a.m.
To: Sarah Parker
Subject: RE: EWV - Colin Rath A/No s9(2)(a) of the OIA [IN-CONFIDENCE:RELEASE EXTERNAL]
Attachments: Waipara_Winds_Letter_Financial_Forecasts1.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Sarah

Answers to your questions are below:

s6(c)

Can you please advise how the B&B and café will be financed and where this can be found in the financial statements s9(2)(a) of the OIA ?)

- The applicant's Business Advisor, s9(2)(a) of the OIA confirms "The capital costs of the B&B and Café are finance by the bank loan drawdowns of s9(2)(a) of the OIA. These show in the term loan schedule on page 6 of 24 in the document "Waipara Winds 2017-2019 forecast DRAFT.pdf".

Can you please advise how many hours per week the wage forecasts are based on for the General Foreman and Vineyard? Are these the wages incorporated under 'Canopy/pruning/harvesting wages' in the revenue statement?

- Forecasts are based on Foreman and Vineyard workers working 40 hours per week. The wages are accounted for in the forecasts as "Canopy/pruning/harvesting wages"

I note that the financial forecasts cover page also states that wages of s9(2)(a) of the OIA have been included for the applicant s9(2)(a) Can you please confirm whether or not this is s9(2)(a) of the OIA, or combined, and where this is evidenced in the forecasts

s9(2)(a)

Regards

s9(2)(a) of the OIA



MALCOLM PACIFIC IMMIGRATION

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Malcolm Pacific (Auckland) Limited
Level 5, 2 Kitchener Street, Auckland 1010, New Zealand
Ph: s9(2)(a)
Email: s9(2)(a)
Website: www.malcolmpacific.com

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From: Sarah Parker [mailto:Sarah.Parker@mbie.govt.nz]
Sent: Thursday, June 15, 2017 3:54 PM
To: s9(2)(a) of the OIA
Subject: RE: EWV - Colin Rath s9(2)(a) of the OIA [IN-CONFIDENCE:RELEASE EXTERNAL]

Hello s9(2)(a) of the OIA

I've got a few questions I would be grateful if you could answer for me:

- s6(c)
- Can you please advise how the B&B and café will be financed and where this can be found in the financial statements (is it the s9(2)(a) of the OIA capital expenditure on Buildings on page 2 of the financials?)
- Can you please advise how many hours per week the wage forecasts are based on for the General Foreman and Vineyard? Are these the wages incorporated under 'Canopy/pruning/harvesting wages' in the revenue statement?
- I note that the financial forecasts cover page also states that wages of s9(2)(a) of the OIA have been included for the applicant s9(2)(a) of the OIA. Can you please confirm whether or not this is s9(2)(a) of the OIA each, or combined, and where this is evidenced in the forecasts

Sorry I just missed your call – hope to hear from you shortly regarding these matters.

Kind Regards,

Sarah Parker

BUSINESS IMMIGRATION SPECIALIST

Business Migration Branch, Immigration New Zealand
Ministry of Business, Innovation & Employment

From: s9(2)(a) of the OIA
Sent: Wednesday, 14 June 2017 11:23 a.m.
To: Sarah Parker
Subject: RE: EWV - Colin Rath A/No s9(2)(a) of the OIA [IN-CONFIDENCE:RELEASE EXTERNAL]

Good morning Sarah

I am touching base to confirm if you have managed to completed a review of this application yet?

If you could update me that would be fantastic.

Thank you

Regards

s9(2)(a)



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Malcolm Pacific (Auckland) Limited
Level 5, 2 Kitchener Street, Auckland 1010, New Zealand
Ph: s9(2)(a)
Email: s9(2)(a)
Website: www.malcolmpacific.com

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From: Sarah Parker [mailto:Sarah.Parker@mbie.govt.nz]
Sent: Wednesday, June 7, 2017 6:17 PM
To: s9(2)(a) of the OIA
Subject: RE: EWV - Colin Rath A/No s9(2)(a) of the OIA [IN-CONFIDENCE:RELEASE EXTERNAL]

Hi s9(2)(a) of the OIA

Thanks for your email. I've made a start on this application and I'll try my best to get some correspondence out to you ASAP given the circumstances.

Kind Regards,
Sarah Parker
BUSINESS IMMIGRATION SPECIALIST

Business Migration Branch, Immigration New Zealand
Ministry of Business, Innovation & Employment

From: s9(2)(a) of the OIA
Sent: Wednesday, 7 June 2017 4:47 p.m.
To: Sarah Parker
Subject: EWV - Colin Rath s9(2)(a) of the OIA
Importance: High

Hi Sarah

I hope that you had an enjoyable long weekend!

I wanted to send you an email to follow up the progress of this EWV and get an indication from you as to when you expect to complete your first assessment of this application?

You will be aware from my previous email to Ruyang that we are working to some pretty tight deadlines so it would be great if this could be moved along with some urgency. In case you didn't see my communication with Ruyang I have pasted the relevant information below for your reference.

I look forward to your response soon,

Colin has contacted me to check the progress and reminded me of a pending deadline he is trying to manage. As you will be aware, the applicant has purchased a Vineyard business in north Canterbury for NZ\$1,200,000; this is subject to Immigration and Overseas Investment Office (OIO) approval. s9(2)(a)

There is an agreement between the applicant (Colin), the Vendor and the Vendor's bank s9(2)(a) that the sale price will be settled on or before 20 June 2017. For this sale to occur the Immigration and Overseas Investment Office (OIO) applications need to be approved.

The OIO process cannot start until after the EWV is approved.

Regards

s9(2)(a)



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Malcolm Pacific (Auckland) Limited
Level 5, 2 Kitchener Street, Auckland 1010, New Zealand
Ph: s9(2)(a)
Email: s9(2)(a)
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Application number: s9(2)(a) of the OIA

Client number: s9(2)(a)

27 February 2017

s9(2)(a)

Malcolm Pacific Limited
PO Box 6219
Wellesley Street
Auckland 1141
New Zealand

Dear COLIN RATH

Application for a Visa, Work, Work to Residence, Entrepreneur Work Visa (Interim) for:

Applicant:

COLIN RATH

s9(2)(a)

Out of scope

Date of birth:

s9(2)(a)

Thank you for your application for a Visa, Work, Work to Residence, Entrepreneur Work Visa (Interim) - Entrepreneur Work Visa (Interim). We received your application on 09 February 2017 and we accepted it for processing on 09 February 2017.

The receipt for your fee and immigration levy is attached.

Further information required:

- Original Canadian Police Certificate for Colin David Rath.

We will allocate your application to one of our immigration officers within 12-15 weeks. Once your application is allocated, the immigration officer will contact you to advise you of their contact details and will start an initial assessment of your application.

The processing time for an application varies as we will need to verify all the information you have sent us. Your immigration officer will be able to advise you of an approximate processing timeframe for your application, once they have completed their initial assessment. If we need any further information, we will contact you to request it.

If the temporary visa you currently hold expires, we are required to stop working on your resident visa application until you obtain a new visa. This can create long delays in processing your resident visa application, so please ensure you hold a valid visa at all times.

You must not remain in New Zealand after your visa expires

You must hold a valid visa at all times while you are in New Zealand. If you do not hold a valid visa you will be in New Zealand unlawfully and you will be liable for deportation. If you do not leave voluntarily before you are served with a deportation order you will face a prohibition period preventing your return to New Zealand in the future.

Your application documents

Make sure you keep your documents and this letter in a safe place for future reference.

Please note that we do not return copies of documents you send to us, or original medical or police certificates.

Contact us

If you have any questions, you can:

- email me at AdminSupport.BMB@mbie.govt.nz
- call our Immigration Contact Centre on 0508 55 88 55 or 09 914 4100, or for those outside of New Zealand +64 9 914 4100, or
- find answers to frequently asked questions or lodge an email enquiry online at www.immigration.govt.nz/help

Kind Regards

s9(2)(a) of the OIA

Dizette Mercado
Immigration Support Officer
Immigration New Zealand

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November 2016

INZ 1222



Entrepreneur Work Visa Application

Application for an Entrepreneur Work Visa

Use the guide to help you complete the application form

Read the *Entrepreneur Work Visa Guide (INZ 1221)* before you complete this application form. The guide contains helpful information about how to complete the application form. When you have completed the form, use the checklist at the end to make sure you have sent all the documents and information we need.

The Entrepreneur Work Visa has a number of requirements. Among other requirements, you must demonstrate a minimum capital investment, submit a detailed business plan and be able to claim at least 120 points in the Points Scale at Section N of this form. Check the Points Scale before you begin, to ensure that you will meet the minimum points requirement.

We will process your application only when we receive all the information and documents we need. If you do not send all the required information, we will return your application.

Immigration Advisers Licensing Act 2007

Under the Immigration Advisers Licensing Act 2007 it is an offence to provide immigration advice without being licensed or exempt. If your immigration adviser is not licensed when they should be, INZ will return your application.

For more information and to view the register of licensed advisers, go to the Immigration Advisers Authority website www.iaa.govt.nz or email info@iaa.govt.nz.

Lawyers provide immigration advice and are exempt from licensing under the Immigration Advisers Licensing Act 2007. For more information and to view the register of immigration lawyers, go to the New Zealand Law Society website www.lawsociety.org.nz.

When filling in this form, please write clearly in English using CAPITAL LETTERS.

All documents provided in support of your application must be originals or certified copies.

Section A Principal applicant's personal details

Principal applicants must complete this section.

Attach two passport-size photographs of yourself here. The photographs must be less than six months old. Write your full name on the back of each photograph.

- i** For more information about the questions in this section, see 'Completing Section A: Principal applicant's personal details' in the *Entrepreneur Work Visa Guide*.

A1 Name as shown in passport

Family/last name

RATH

Given/first name(s)

COLIN



2 Preferred title Mr Mrs Ms Miss Dr Other (specify) _____



A3 Other names you are known by or have ever been known by

s9(2)(a)

A4 Your name in ethnic script

s9(2)(a)

A5 Gender Male Female

A6 Date of birth s9(2)(a) of the OIA

A7 Town/city of birth

s9(2)(a) of the OIA

A10 Partnership status

Single

Separated

Partner

Divorced

Married/in civil union

Engaged

Widowed

A11 Is this your initial Entrepreneur Work Visa application or a renewal?

Initial application – complete all sections of this form.

Renewal of Entrepreneur Work Visa or Long Term Business Visa - complete any sections that have changed since your previous application, and provide an updated business plan, financial information and a cover letter explaining why you need a renewal.

Section B Principal applicant's contact details

All principal applicants must complete this section.

B1 Current home address and telephone number

s9(2)(a) of the OIA

B3 Name and address for communication about this application

Same as address at **B1**, or Same as address at **B2**, or as below

Name of contact person

s9(2)(a)

Organisation name (if applicable) and address MALCOLM PACIFIC (AUCKLAND) LIMITED

PO BOX 6219, WELLESLEY STREET, AUCKLAND 1141.

Telephone (daytime) s9(2)(a)

Telephone (evening) s9(2)(a)

Fax s9(2)(a)

Email AKLD@MALCOLMPACIFIC.COM

B4 If you have given the name and address of an agent at **B3**, do you authorise that agent to act on your behalf?

Yes No Not applicable

B5 Do you authorise all other licensed immigration advisers or persons exempt from licensing who work for the organisation named at **B3** to act on your behalf (if applicable)?

Yes *Note: the person identified at **B3** will receive all communication from Immigration New Zealand.*

No *Only the person indicated at **B3** may act on my behalf.*

B6 Have you received immigration advice on this application?

i You can find a definition of immigration advice at www.immigration.govt.nz/advice.

Yes *Make sure that your immigration adviser completes Section R: Immigration adviser's details.*

No

B7 Tick here if you would like us to email you instructions for registering to check online how your application is progressing.

By ticking this option you will also be advised by email when your application has been decided.

Note: this facility is only available for applications lodged at an Immigration New Zealand office.

Note: If you elect an adviser to act on your behalf your adviser will be sent instructions for online enquiry.

Section C Principal applicant's family details

C1 Give details of all your family, whether migrating with you or not, including those adopted legally or by custom. It is not necessary to list deceased family members.

Parents (biological and adoptive). If both parents are deceased, give details of legal guardians (if any) and/or grandparents.

Full name

Gender
(M/F)

Date of birth
(DD/MM/YY)

Partnership
status

Country of residence

s9(2)(a) of the OIA

Brothers and sisters (including half, step- and adopted brothers and sisters).

Full name	Gender (M/F)	Date of birth (DD/MM/YY)	Partnership status	Country of residence
-----------	--------------	--------------------------	--------------------	----------------------

s9(2)(a) of the OIA

Children (including biological, adopted and step-children, including those from previous marriages/relationships).

Full name	Gender (M/F)	Date of birth (DD/MM/YY)	Partnership status	Country of residence	Does the person intend to migrate with you? (Y/N)
-----------	--------------	--------------------------	--------------------	----------------------	---

s9(2)(a) of the OIA

Section D Partner's personal details

i For a definition of partner and more information on the questions in this section see 'Completing Section D: Partner's personal details' in the *Entrepreneur Work Visa Guide*.

Attach **two** passport-size photographs of your partner here. The photographs must be less than six months old. Write your partner's full name on the back of each photograph.

D1 Partner's name as shown in passport

Family/last name

s9(2)(a)

Given/first name(s)

s9(2)(a)

D2 Partner's preferred title Mr Mrs Ms Miss

Dr Other (specify)

s9(2)(a)

D3 Other names your partner is known by or has ever been known by
s9(2)(a)

D4 Partner's name in ethnic script
s9(2)(a)

D5 Partner's gender Male Female **D6** Partner's date of birth s9(2)(a)

D7 Partner's town/city of birth s9(2)(a)
Partner's country of birth s9(2)(a)

D8 Other citizenships your partner holds NIL

D9 Passport details
Number s9(2)(a)
Country s9(2)(a) Expiry date s9(2)(a)

D10 Is your partner applying for a work or visitor visa? Work Visitor
If your partner is included in this application, you must provide evidence of your relationship. See Partnership-Based Temporary Visa Guide (INZ 1999) for examples of what to provide.

D11 How long have you been living together in this partnership? s9(2)(a)

D12 Do you meet the minimum requirements for recognition of partnership? Yes No

D13 Are you living together in a genuine and stable partnership (entered into with the intention of being maintained on a long-term and exclusive basis)? Yes No Explain why you are not living together.
N/A

Section E Partner's family details

E1 Give details of all your partner's family, whether migrating with you or not, including those adopted legally or by custom. It is not necessary to list deceased family members.

Parents (biological and adoptive). If both parents are deceased, give details of legal guardians (if any) and/or grandparents.

Full name	Gender (M/F)	Date of birth (DD/MM/YY)	Partnership status	Country of residence
-----------	--------------	--------------------------	--------------------	----------------------

s9(2)(a)

Brothers and sisters (including half, step- and adopted brothers and sisters).

Full name	Gender (M/F)	Date of birth (DD/MM/YY)	Partnership status	Country of residence
-----------	--------------	--------------------------	--------------------	----------------------

s9(2)(a) of the OIA

Children (including biological, adopted and step-children, including those from previous marriages/relationships).

Full name	Gender (M/F)	Date of birth (DD/MM/YY)	Partnership status	Country of residence	Does the person intend to migrate with you? (Y/N)
-----------	--------------	--------------------------	--------------------	----------------------	---

s9(2)(a) of the OIA

s9(2)(a) of the OIA

s9(2)(a) of the OIA

Released under the Official Information Act 1982

s9(2)(a) of the OIA

Released under the Official Information Act 1982

F36 Does any person not included in this application have custody or visitation rights over any of the above children?

Yes *Supply evidence that you have been granted the right to bring this child permanently to New Zealand.*

No

Section G Character requirements

Answer **G1** and **G2** in respect of every person in your application 17 years of age and over if:

- this is your first application for an Entrepreneur Work Visa; or
- you have held an Entrepreneur Work Visa or Long Term Business Visa for three years and are applying for a further work visa.

i For more information about the questions in this section, see 'Completing Section G: Character requirements' in the *Entrepreneur Work Visa Guide*.

G1 List the countries, including all countries of citizenship, you and/or your family (if applicable) have lived in for more than five years since attaining the age of 17 and attach police certificates from each of these countries.

s9(2)(a) of the OIA

G2 Have you, or anyone included in this application, been convicted at any time of any offence, including any driving offence? *Please note that this includes any conviction(s) outside of New Zealand subsequently cleared or wiped by 'clean slate' legislation.*

Yes No

G3 Are you, or is anyone included in this application, currently:

- under investigation Yes No
- wanted for questioning Yes No
- facing charges Yes No

for any offence in any country?

G4 Do you, or does anyone included in this application, currently have an outstanding arrest warrant in any country?

Yes No

G5 Have you, or has anyone included in this application, ever been:

- excluded Yes No
 - refused entry Yes No
 - removed or deported Yes No
- from any country, including New Zealand?

G6 Have you, or has anyone included in this application, ever been a member of, or adhered to, any terrorist organisation? Yes No

G7 Have you, or has anyone included in this application, at any time in a public speech or public comments, or public broadcast, or in publicly distributing or publishing a document argued that one race or colour is inherently inferior or superior to another race or colour; or used language intended to encourage hostility or ill will against any person or group of persons on the basis of colour, race, or ethnic or national origins of that person or group? Yes No

G8 Have you, or has anyone included in this application, been (or currently are) a member of an organisation or group which had objectives or principles based on hostility against people or groups on the basis of colour, race or ethnic/national origins; or an assumption that persons of a particular race or colour are inherently inferior or superior to other races or colours? Yes No

G9 Have you, or has anyone included in this application, had (or currently have) an association with, membership of, or involvement with, any government, regime, group or agency that has advocated or committed war crimes, crimes against humanity and/or other gross human rights abuses? Yes No

If you have answered yes to any of the questions above give full details. This includes full details of any charges, convictions and the sentence or penalty imposed. Continue on a separate piece of paper if necessary.

s9(2)(a)

Section H Fit and proper person requirements

H1 Have all businesses you have had significant influence over complied with all immigration, employment and taxation laws?

i Significant influence includes, but is not limited to, control of management and administrative functions when acting as a director or senior manager.

Yes No (provide details)

H2 Have you ever been investigated by the Serious Fraud Office or the New Zealand Police for any offences arising in the course of, or resulting from, business dealings?

Yes (provide details) No

H3 Have you ever been involved in business fraud or financial impropriety?

Yes (provide details) No

Section I Health requirements

1 Have you or any person included in this application submitted a *General Medical Certificate (INZ 1007)* and *Chest X-ray Certificate (INZ 1096)* that were completed and dated by a medical practitioner within the last 36 months with another Immigration New Zealand application?

s9(2)(a) of the OIA

Full name

Type of application

Date application was lodged
(DD/MM/YY)

s9(2)(a) of the OIA

If everyone included in the application has submitted a medical certificate and chest X-ray certificate in the last 36 months you do not need to provide further certificates, unless:

- the health status of any applicant has deteriorated since their previous medical certificate was issued; or
- any applicant has spent six consecutive months in a place that is not listed as having a low incidence of tuberculosis since their previous application, in which case a new chest X-ray certificate is required.

If not everyone included in the application has submitted medical certificates that were completed and dated by a medical practitioner within the last 36 months, they will have to provide certificates now. Go to **12**.

12 Do you or any person included in this application have tuberculosis (TB)?

s9(2)(a)

13 Do you or any person included in this application have any medical condition that requires, or may require, one of the following during your stay in New Zealand?

- Renal dialysis
- Hospital care
- Residential care

s9(2)(a)

Residential care is defined as in-patient care for people with psychiatric, sensory or intellectual disabilities or live-in facilities for the aged.

14 Do you have a dependent child included in this application who requires special education services? (See *Completing Section I: Health requirements in the Entrepreneur Work Visa Guide (INZ 1221)* for further information).

s9(2)(a)

15 If you have answered Yes to any of the questions in **12** to **14**, please provide details.

N/A

16 Are you or any person included in this application pregnant?

s9(2)(a) Yes Date the pregnant applicant is due to give birth s9(2)(a)

No

f Tick the option that applies to you: Is a physician submitting your medical and/or chest X-ray certificates to Immigration New Zealand on your behalf?

Yes Has your physician supplied you with an eMedical Reference Code (NZER)?

Yes Enter your eMedical Reference Code here:

No Enter the name of the clinic that is submitting your health information:

No If the physician has returned the medical and/or chest X-ray certificates to you, then you will need to submit these with your visa application.

Section J English language requirements

i For more information see 'Completing Section J: English language requirements' in the *Entrepreneur Work Visa Guide (INZ 1221)*

Minimum English language requirements apply to first-time applicants or applicants seeking a further three-year Entrepreneur Work Visa who have not previously met English language requirements.

j Do you meet the minimum standard of English language?

Yes Provide evidence of your English language ability.

No

Section K Business information

i For more information about the questions in this section, see 'Completing Section K: Business Information' in the *Entrepreneur Work Visa Guide*.

Questions **K1** and **K2** are for statistical purposes only. All details of a business proposal should be covered in the business plan.

K1 What is your intended business? (Tick one only.)

- | | | |
|---|---|--|
| <input type="checkbox"/> Administration/customer service | <input type="checkbox"/> Advertising/media/public relations | <input checked="" type="checkbox"/> Agriculture/forestry/fishing |
| <input type="checkbox"/> Arts/culture/entertainment | <input type="checkbox"/> Education/training | <input type="checkbox"/> Engineering/science |
| <input type="checkbox"/> Export business | <input type="checkbox"/> Fashion and beauty | <input type="checkbox"/> Film/video |
| <input type="checkbox"/> Finance | <input type="checkbox"/> Health care | <input type="checkbox"/> Hospitality/restaurant |
| <input type="checkbox"/> Human resources | <input type="checkbox"/> Import business | <input type="checkbox"/> Information technology |
| <input type="checkbox"/> Legal | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Retail |
| <input type="checkbox"/> Sales/Marketing | <input type="checkbox"/> Sports | <input type="checkbox"/> Telecommunication |
| <input type="checkbox"/> Tourism/accommodation | <input type="checkbox"/> Water/gas/electricity | <input type="checkbox"/> Investment or financial advice/consulting |
| <input type="checkbox"/> Other (specify) <input type="text"/> | | |

K2 In which town or city do you intend to locate your business?

K3 State the amount of funds available for the maintenance and accommodation costs of all family members included in the application. This must be sufficient for three years and must be additional to the investment capital required for your business.

NZ\$

K4 Have you ever been involved in a business failure or bankruptcy?

Yes No

If yes, provide details (including dates):

N/A

Note that if you have been involved in a business failure or bankruptcy within the last five years your application for an Entrepreneur Work Visa cannot be approved.

K5 What is the status of your proposed business?

New Go to Section L: Minimum capital investment

Established Go to **K6**

K6 Please provide full details of the business you intend to purchase.

Trading name:

Fiddeler's Green Vineyard/ 244-246 Georges Road

Address:

244-246 Georges Road, RD2, Waipara NZ 7842

Number of current employees in the business you intend to purchase:

Number of full time permanent employees	Number of part time permanent employees	Number of employees in contract roles	Number of employees on casual contracts	Total number of employees
0	0	0	0	0

List the documents provided as evidence of the number of current employees, such as job descriptions, anonymised employment agreements, wage and salary records, Employer Monthly Schedules prepared for Inland Revenue:

LETTER FROM PREVIOUS BUSINESS OWNER CONFIRMING COMPANY EMPLOYED NO STAFF

You should also attach:

- independently audited accounts for the business for the past two years, and
 - any conditional sale and purchase agreement
 - the basis for the purchase price (i.e. an independent valuation), and
 - a profit and loss statement for at least the two previous years, including up to the date of your application.
- You should also comment on the business's past performance and trends.

K7 Is the business you intend to purchase a franchise?

Yes Please state which franchise. N/A

No

Section L Minimum capital investment

To be approved for an Entrepreneur Work Visa, applicants must make a minimum capital investment of NZ\$100,000, unless this requirement is waived.

Applicants can claim points in the points scale at section N if investing more than NZ\$200,000.

When answering the questions below, continue on a separate sheet of paper if necessary.

L1 What is your total capital investment?

Total amount of capital investment (in NZ \$):

INVESTMENT OF NZ\$500,000; MORTGAGE OF s9(2)(a) of the OIA

L2 Who owns these funds?

You You and your partner

If funds are owned by you and your partner, attach evidence that your partner supports the use of these funds for your proposed business.

L3 List the type and location of all of the funds and/or assets that you have nominated for your proposed business:

Funds/assets type (e.g. bank deposits)	Location (e.g. xxxx Bank)	Net value	Value (NZ\$)
s6(c)			s9(2)(a)

Attach evidence of the location of all of your funds or assets. List the documents provided as evidence:

s9(2)(a) of the OIA

L4 How did you earn or acquire these funds and/or assets?

Method	Value (NZ\$)	Evidence attached
<input checked="" type="checkbox"/> Earned	s9(2)(a) of the OIA	
<input type="checkbox"/> Gifted or Inherited		
<input type="checkbox"/> Sale of assets		
<input type="checkbox"/> Share/dividends		
<input type="checkbox"/> Other		

Investment funds must be transferred directly from your bank account(s) through the banking system to New Zealand. If your Entrepreneur Work Visa is approved, you will be asked to provide evidence of this, if you have not already done so.

Attach evidence of how you earned all of your funds or assets. List the documents provided as evidence:

AS MENTIONED ABOVE

Section M Waiver of capital investment requirement

i Note: Only complete this section if you are seeking a waiver of the capital investment requirement

M1 If you are seeking a waiver of the capital investment requirement, pick the option that best describes why you are seeking this waiver.

I am seeking a waiver of the NZ\$100,000 capital investment requirement because -

- My business is in the science or ICT sector, or other high value export-oriented sector
- I can show that my business will display a high level of innovation or high level of growth

M2 If you believe your business qualifies for a waiver of the capital investment requirement, explain why:

M3 Attach evidence to support your claim. List the documents provided as evidence:

Section N Points scale

To be approved for an Entrepreneur Work Visa, you must meet or exceed the pass mark on the points scale for factors relating to the likely success of the proposed business and its value to New Zealand.

Mark the points that you are claiming in the right hand column. You do not need to claim points in all categories, but you need a minimum of 120 points for your application to proceed.

In answering the questions, continue on a separate sheet of paper if necessary. If you are not claiming points for a category, you do not need to fill in the question.

Points for business experience

N1 If you are claiming points here, mark the points that you are claiming in the right hand column. You can only claim points in one of these categories:

Relevant self-employment	Potential Points	Points claimed
10 years +	40	<input type="checkbox"/>
5 years +	30	<input type="checkbox"/>
3 years +	20	<input type="checkbox"/>
Other self-employment		
10 years +	20	<input checked="" type="checkbox"/>
5 years +	15	<input type="checkbox"/>
3 years +	5	<input type="checkbox"/>
Relevant senior management experience		
10 years +	10	<input type="checkbox"/>
5 years +	5	<input type="checkbox"/>

N2 If claiming points in one of the categories above, provide details of the business experience you are claiming points for:

Company	Years of experience	Your role and responsibilities	Your areas of responsibility
---------	---------------------	--------------------------------	------------------------------

s9(2)(a) of the OIA

If you need more space to list your business experience, attach on a separate sheet.

Attach evidence of your business experience, such as company documents, proof of ownership or job descriptions. List the documents provided as evidence:

s9(2)(a) of the OIA

N3 Provide details of the companies listed above:

Company name	Industry sector	Main products/ services	Annual turnover	Number of employees
--------------	-----------------	-------------------------	-----------------	---------------------

s9(2)(a) of the OIA

Attach evidence of your business sector, turnover and number of employees. List the documents provided as evidence:

s9(2)(a) of the OIA

N4 If claiming points for relevant self-employment or relevant senior management experience, explain why your experience is relevant to your proposed business:

N/A

N5 What was the ownership structure of your business/es?

LIMITED LIABILITY COMPANY (LLC)

Attach evidence of your share of ownership of the business and list the documents you have provided:

s9(2)(a) of the OIA

Released under the Official Information Act 1982

Points for benefit to New Zealand

N6 If you are claiming points here, mark the points that you are claiming in the right hand column. You can claim points in up to two of these categories:

New full time employment creation	Potential Points	Points claimed
10+ new full time positions for New Zealand citizens or residents	80	<input type="checkbox"/>
5 or more new full time positions for New Zealand citizens or residents	50	<input type="checkbox"/>
3 or more new full time positions for New Zealand citizens or residents	30	<input type="checkbox"/>
2 new full time positions for New Zealand citizens or residents	20	<input checked="" type="checkbox"/>
1 new full time position for a New Zealand citizen or resident.	10	<input type="checkbox"/>
Points for approved export businesses (based on a credible business plan)		
\$1,000,000 + turn over a year	80	<input type="checkbox"/>
\$750,000 + turn over a year	60	<input type="checkbox"/>
\$500,000 + turn over a year	40	<input type="checkbox"/>
\$400,000 + turn over a year	30	<input type="checkbox"/>
\$300,000 + turn over a year	20	<input type="checkbox"/>
\$200,000 + turn over a year	10	<input type="checkbox"/>
Points for unique or new products or services to New Zealand		
A credible business proposal that provides unique or new products/ services to New Zealand, or to a particular region, not currently being provided by existing businesses in New Zealand.	30	<input type="checkbox"/>

N7 If you have claimed points for new full time jobs for New Zealand citizens or residents, provide details of the number of new jobs, in addition to current staff listed at **K7**:

Number of new positions that will be created:

Full time permanent employees	Part time permanent employees	Employees in contract roles	Employees on casual contracts	Total number of new employees
2				2

Explain why your business will need these new roles and outline main responsibilities of these roles:

Vineyard Staff General foreman + Vineyard hand.
 Refer to page 19 of Business Plan
 Business plan also outlines the need to employ 4 staff to work on the Cafe

N8 If you have claimed points for export turnover, explain how you expect to reach this goal, your export markets and products you will export. Outline any certification, registration or distribution rights or licenses you will need to export your goods, and what you have done to obtain them:

N/A

N9 If you have claimed points for unique or new products/ services to New Zealand, or a particular region, explain why your product or service is unique or new:

N/A

Points for capital investment

N10 If you are claiming points here, mark the points that you are claiming in the right hand column.

Capital Investment	Potential Points	Points claimed
\$1,000,000 +	80	<input type="checkbox"/>
\$750,000 +	60	<input type="checkbox"/>
\$500,000 +	50	<input checked="" type="checkbox"/>
\$400,000 +	30	<input type="checkbox"/>
\$300,000 +	20	<input type="checkbox"/>
\$200,000 +	10	<input type="checkbox"/>
under \$200,000	0	<input type="checkbox"/>

Note: the points you claim for capital investment must match up with what you have provided in section L.

Points for age of prospective applicant at date of lodgement

N11 Mark points that you are claiming in the right hand column.

Age	Potential Points	Points claimed
24 and under	15	<input type="checkbox"/>
25-29	20	<input type="checkbox"/>
30-39	20	<input type="checkbox"/>
40-49	20	<input type="checkbox"/>
50-59	10	<input checked="" type="checkbox"/>
60 and over	0	<input type="checkbox"/>

Bonus points

N12 Mark points that you are claiming in the right hand column.

Regional bonus points	Potential Points	Points claimed
Business based outside Auckland, (explanation at section N of the Entrepreneur Work Visa Guide, INZ 1221).	40	<input checked="" type="checkbox"/>

N13 If you have claimed points for a business based outside of Auckland, provide details of where the business will be located, listing main sites:

VINEYARD - 244-246 GEORGES ROAD, WAIPARA, NEW ZEALAND

TOTAL POINTS CLAIMED

N14 Add up the total number of points you have claimed in all of the sections above:

140

Section O Business Plan

As part of your application you need to provide a business plan that:

- is specific to the proposed business, not a generic or template business plan,
- is no more than three months old on the date the application is made, and
- meets all other requirements for a business plan, as outlined in Sections O and P of the Entrepreneur Work Visa Guide (INZ 1221).

O1 How will your business meet the objective of Entrepreneur instructions?

Include an explanation of how your business will meet the characteristic(s) identified.

- Export potential
- Innovative
- High growth

HIGH GROWTH WILL BE ACHIEVED THROUGH THE REVITALISATION OF THE EXISTING BUSINESS BY CREATING TWO OR MORE FULL TIME AND ONGOING JOBS FOR NZER'S AND DOUBLING THE ANNUAL TURNOVER OF THE BUSINESS.

O2 Elements of business plan

Confirm that your business plan includes detailed information in each of the following areas, and any others that you need to outline your proposed business:

Section:	The business plan includes:
<input checked="" type="checkbox"/> i.	details of the proposed business venture, including type of business, industry, position in the market, targeted customers, suppliers and distributors, required assets
<input checked="" type="checkbox"/> ii.	copies of any documents needed to show that you are able to operate this business in New Zealand
<input checked="" type="checkbox"/> iii.	details of your intended involvement/role in the proposed business
<input checked="" type="checkbox"/> iv.	outline of the proposed ownership structure of the business: Sole trader/ Partnership/ Limited liability company/ Subsidiary of overseas company/ Other

Section:	The business plan includes:
<input checked="" type="checkbox"/>	v. a SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis of the proposed business
<input checked="" type="checkbox"/>	vi. an outline of your knowledge of the New Zealand business environment and the market research you have done on the demand for your business
<input checked="" type="checkbox"/>	vii. an outline of any contact made or advice sought from relevant trade associations in New Zealand
<input checked="" type="checkbox"/>	viii. summary of any professional advice regarding the establishment of the business
<input checked="" type="checkbox"/>	ix. list of any professional qualification or registrations required to run this business in New Zealand, and describe what you have done to obtain full registration or recognition of these qualifications in New Zealand
<input checked="" type="checkbox"/>	x. details of any other registration or consents you need to obtain, e.g. consent under the Resource Management Act or Overseas Investment Act, and what you have done to obtain these consents
<input checked="" type="checkbox"/>	xi. details of any other relevant business or trade qualifications and university degrees you have achieved, including institution, date and qualification type, and attach certified copies
<input checked="" type="checkbox"/>	xii. details of proposed marketing strategy of the business, market size, estimated market share, market positioning, competitor analysis, distribution and pricing strategy
<input checked="" type="checkbox"/>	xiii. outline of what you expect the business to achieve in its first three years
<input checked="" type="checkbox"/>	xiv. an operational plan and timeline for establishing the business in New Zealand, including an estimation of the time required for establishing the company, obtaining approvals (if required), finding premises, purchasing equipment, recruiting staff and establishing a distribution network etc
<input checked="" type="checkbox"/>	xv. detailed financial information and financial forecasts, as outlined in Section P
<input checked="" type="checkbox"/>	xvi. any other information or documentation that you need to demonstrate that your proposed business is viable and has realistic chances of successfully meeting its objectives and trading profitably

Ensure that you keep a copy of your original business plan and any supporting documents you submitted as part of your application, as you will need this in order to be approved for an Entrepreneur Residence Visa. If you are using an immigration adviser or other adviser to do your business plan, ensure that they give you a copy of your business plan and copies of any documents submitted in support of your application.

Section P Financial information

Fill in this section if you have not provided any of this information in your business plan. For more information about the questions in this section, see 'Completing Section P: Financial information' in the Entrepreneur Work Visa Guide (INZ 1221). If you have included this information in a separate business plan, please note under each question, the section of your business plan where this appears.

- P1** What level of capital investment will the business require? List the items the capital investment will be used for.
 \$1,500,000 - Purchase of Fiddlers Green Vineyard, Upgrade Vineyard, Renovate/ open cafe and B+B, Capital Improvements
-
- P2** What level of capital will you bring into the business?
 \$500,000
-
- P3** List other investors and their capital investment, if applicable.
 None
-

P4 Provide details of the forecast profit and loss statements for the business. Complete this form or attach forecasts separately:

Forecast profit and loss statement – in NZ\$

	Year 1	Year 2	Year 3
Revenue (A)			
Cost of sales (B):	Detailed financial forecasts attached to Business Plan		
Labour			
Overheads			
Raw materials			
Other costs of sales			
Gross margin (C) (C = A – B)			
Expenses (D):			
Salaries for employees			
Salary for owner/ applicant			
Rent			
Depreciation			
Administration			
Audit fees			
Legal fees			
Other expenses			
Earnings before interest (E=C-D)			
Interest (F)			
Net profit (G=E-F)			
Tax (H = G x 33%)			
Net profit after tax, available to shareholders (I=G-H)			
Ratios			
	Gross margin % (= C/A x 100)		
	Net profit after tax/ revenue % (=I/A x100)		
	Interest cover – times (=E/F)		

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P5 Provide details of the three year cash flow forecast for the business. Complete this form or attach forecasts separately:

Three year cash flow forecast for proposed business - in NZ\$

	Year 1	Year 2	Year 3
Net profit after tax			
Add depreciation			
Gross cash flow			
Working capital required			
Debtors			
Inventory			
Creditors			
Other assets			
Other liabilities			
Cash flow from operations (A)			
Financing activities			
Increase (decrease) in bank debt			
Increase (decrease) in overdraft			
Increase (decrease) in capital			
Dividend payments			
Cash provided from financing (B)			
Investment activities			
Sale (purchase) of fixed assets before depreciation			
Increase (decrease) in shareholders loans			
Increase (decrease) in inter-company loans			
Cash provided from investing (C)			
Net cash flow (D=A + B + C)			
Opening cash balance (E)			
Plus (minus) net cash flow (F=D)			
Closing cash balance profits (G = E + F)			

Released under the Official Information Act 1982

This section must be signed by the principal applicant and any partner and dependent children aged 18 years and over who are included in the application. Make sure you understand the declarations below before you sign them.

I understand that if I make any false statements or provide any false or misleading information, or have changed or altered this form in any material way after it has been signed, my application may be declined, and I may become liable for deportation. I may also be committing an offence and I may be imprisoned.

I understand that I am required to inform Immigration New Zealand of any relevant fact or change of circumstances that may (i) affect the decision on my application for a visa, or (ii) affect the decision to grant entry permission based on the visa for which I am applying.

I understand the notes and questions in this form and I declare the information given about myself, partner and any children is true and complete.

I declare that there are no matters or warrants outstanding, or investigations of any kind, which could have any current or future effect on the assessment of my good character or the good character of any other persons included in this application.

I authorise INZ to make any enquiries it deems necessary in respect of the information provided on this form and/or accompanying documentation and to share information about me with other government agencies (including overseas agencies) to the extent necessary to make decisions about my immigration status.

I authorise any agency whether in New Zealand or overseas, including but not limited to border or immigration agencies, education providers, financial institutions, foreign embassies, government authorities, healthcare providers, police or other law enforcement agencies, that holds information (including personal information) related to information on this form and/or accompanying documentation to disclose that information to Immigration New Zealand.

I authorise INZ to provide information about my state of health and my immigration status to any health service agency.

I authorise any health service agency to provide information about my state of health to INZ.

I accept that any advice given to me by INZ before lodging this application was intended to assist me and acting on that does not mean that my application for a long-term business visa will be approved.

I understand that if I have received immigration advice from an immigration adviser and if that immigration adviser is not licensed under the Immigration Advisers Licensing Act 2007 when they should be, INZ will return my application.

I understand that in order to work in certain occupations in New Zealand registration is required by law. I accept that the grant of a visa does not guarantee that registration will be granted.

I agree that information about my personal resources and the contents of this form may be provided to Work and Income (a service of the Ministry of Social Development) if I apply for an emergency benefit. I understand that I will need to give a copy of this declaration to Work and Income if I apply for an emergency benefit.

If my application is approved I agree to participate in an evaluation of the Entrepreneur Work Visa Category for a period of up to five years after the approval of my application. I agree to inform INZ of any changes to my postal/contact address within five years from the date of approval for the purpose of participating in the

s9(2)(a) of the OIA

Date 28,12,2016

Date 28,12,2016

Signature of accompanying dependent children over 18 years of age (if applicable)

Dependent child one over 18 years of age Date

Dependent child two over 18 years of age Date

Dependent child three over 18 years of age Date

Dependent child four over 18 years of age Date

Section R Immigration adviser's details

This section must be completed by the applicant's immigration adviser. If the applicant has authorised all advisers within an organisation to act on their behalf at **B5**, only the person named at **B3** must complete this section. If the applicant does not have an immigration adviser, this section does not have to be completed.

R1 If you are a licensed adviser, please provide your licence details.

Licence type full provisional limited *List conditions specified in the register*

Licence number **s9(2)(a)** Go to Section 5: Declaration by person assisting the applicant

R2 If you are exempt from licensing, tick **one** box below to show why you are exempt from licensing then go to Section 5: Declaration by person assisting the applicant.

I provided immigration advice in an informal or family context only, and I did not provide the advice systematically or for a fee.

I have provided immigration advice in the course of my work (employed or volunteer) and that work exempts me from the requirement to be licensed. Indicate the reason for your exemption below.

lawyer with current New Zealand practicing certificate Community Law Centre Citizens Advice Bureau

New Zealand Member of Parliament or staff New Zealand public servant Foreign Diplomatic/Consular

i See www.immigration.govt.nz/adviserlicensing for more information about who is exempt from licensing.

Section 5 Declaration by person assisting the applicant

This section must be completed and signed by the applicant's immigration adviser, or by any person who has assisted the applicant by providing immigration advice, explaining, translating, or recording information on the form for the applicant. If the applicant does not have an immigration adviser, and no one helped the applicant to fill in this form, this section does not have to be completed.

If you are not exempt under the Immigration Advisers Licensing Act 2007, it is an offence for you to provide immigration advice without holding a licence, and Immigration New Zealand will refuse to accept your client's application. More information about Immigration adviser licensing can be obtained from the Immigration Advisers Authority website www.iaa.govt.nz, via email info@iaa.govt.nz or by telephone on 0508 422 422.

Name and address of person assisting applicant: Same as name and address given at **B3**, or as below.

Family/last name

Given/first name(s)

Organisation name (if applicable) and address

Telephone

Email

I understand that after the applicant has signed this form it is an offence for me to change or add further information, or change or add any documents attached to the form, without making a statement identifying what information or material has been changed, added or attached and by whom. If I make these changes or additions, I must state on the form what they were, who made them and the reason they were made.

I understand that the maximum penalty for this offence is a fine of up to NZ\$100,000 and/or a term of imprisonment of up to seven years.

I certify that the applicant asked me to help them complete this form and any additional forms. I certify that the applicant agreed that the information provided was correct before signing the declaration.

I have **assisted** the applicant as an interpreter/translator

I have **assisted** the applicant with recording information on the form

I have **assisted** the applicant with recording information on the form

I have **provided immigration advice** (under the Immigration Advisers Licensing Act 2007) and my details in Section R: Immigration adviser's details

Signature of person assisting applicant

s9(2)(a) of the OIA
18.01.2017

Application checklist

Ensure you enclose the correct documents with your *Entrepreneur Work Visa Application (INZ 1222)* according to the table below. If you fail to provide any of these documents, your application may be returned.

OFFICE USE ONLY	If you are a first-time Entrepreneur Work visa applicant	CHECK LIST
<input type="checkbox"/>	I have completed and signed the application form.	<input checked="" type="checkbox"/>
<input type="checkbox"/>	I have provided my application fee and Immigration levy.	<input checked="" type="checkbox"/>
<input type="checkbox"/>	I have attached passport(s) or certificate(s) of identity (the original document).	<input checked="" type="checkbox"/>
<input type="checkbox"/>	I have attached two recent passport-sized photographs.	<input checked="" type="checkbox"/>
<input type="checkbox"/>	I have attached evidence of my relationship to my partner and dependent children that are listed on my application and will be accompanying me to New Zealand.	<input checked="" type="checkbox"/>
<input type="checkbox"/>	I have attached evidence that I meet English language requirements.	<input checked="" type="checkbox"/>
<input type="checkbox"/>	I have attached a completed <i>General Medical Certificate (INZ 1007)</i> (less than three months old) if required. Provide this if you, or any other applicant included have not previously provided a medical certificate, or if your/their previous medical certificate is older than 36 months, or your/their health has deteriorated since your last application.	<input checked="" type="checkbox"/>
<input type="checkbox"/>	I have attached a completed <i>Chest X-ray Certificate (INZ 1096)</i> (less than three months old). Provide this if you, or any other applicant included, have not previously provided a chest X-ray certificate, or if your/their previous chest X-ray certificate is older than 36 months, or your/their health has deteriorated since your last application, or if any applicant included, has spent six consecutive months in a place not listed as having a low incidence of tuberculosis since their last application.	<input checked="" type="checkbox"/>
<input type="checkbox"/>	I have attached police certificates.	<input checked="" type="checkbox"/>
<input type="checkbox"/>	I have attached business plan(s) and supporting documents.	<input checked="" type="checkbox"/>
<input type="checkbox"/>	I have attached evidence to support claims in sections K, L, M (if applicable) and N.	<input checked="" type="checkbox"/>

OFFICE USE ONLY	If you have held a work visa under Entrepreneur Work Visa or LTBV instructions for less than three years and are applying for a further work visa ('balance')	CHECK LIST
<input type="checkbox"/>	I have completed and signed the application form.	<input type="checkbox"/>
<input type="checkbox"/>	I have attached passport(s) or certificate(s) of identity (the original document).	<input type="checkbox"/>
<input type="checkbox"/>	I have attached two recent passport-sized photographs.	<input type="checkbox"/>
<input type="checkbox"/>	I have attached evidence of my relationship to my partner and dependent children that are listed on my application and will be accompanying me to New Zealand.	<input type="checkbox"/>
<input type="checkbox"/>	I have attached evidence that I meet English language requirements. <i>Provide this evidence only if you have not provided it before.</i>	<input type="checkbox"/>
<input type="checkbox"/>	I have attached a completed <i>General Medical Certificate (INZ 1007)</i> and a <i>Chest X-ray Certificate (INZ 1096)</i> (which are less than three months old). Provide this if the certificates previously provided for any applicant included are older than 36 months, or if the health of any applicant included has deteriorated since your last application.	<input type="checkbox"/>
<input type="checkbox"/>	I have attached evidence that the investment capital for the business has been transferred to New Zealand through the banking system and reasonable steps have been taken to establish the business.	<input type="checkbox"/>

OFFICE USE ONLY	If you are requesting a Change of Plan	CHECK LIST
<input type="checkbox"/>	This is the first time I have requested a Change of Plan under my current visa.	<input type="checkbox"/>
<input type="checkbox"/>	The changes proposed are minimal.	<input type="checkbox"/>
<input type="checkbox"/>	I have completed the sections of this form that are needed to explain my request.	<input type="checkbox"/>
<input type="checkbox"/>	I have attached business plan(s) and supporting documents.	<input type="checkbox"/>

OFFICE USE ONLY	If you hold a work visa under Entrepreneur Work Visa or LTBV instructions and are applying for a further work visa ('renewal')	CHECK LIST
<input type="checkbox"/>	I have completed and signed the application form.	<input type="checkbox"/>
<input type="checkbox"/>	I have provided my application fee and immigration levy.	<input type="checkbox"/>
<input type="checkbox"/>	I have attached passport(s) or certificate(s) of identity (the original document).	<input type="checkbox"/>
<input type="checkbox"/>	I have attached two recent passport-sized photographs.	<input type="checkbox"/>
<input type="checkbox"/>	I have attached evidence of my relationship to my partner and dependent children that are listed on my application and will be accompanying me to New Zealand.	<input type="checkbox"/>
<input type="checkbox"/>	I have attached evidence that I meet English language requirements. <i>Provide this evidence only if you have not provided it before.</i>	<input type="checkbox"/>
<input type="checkbox"/>	I have attached a completed <i>General Medical Certificate (INZ 1007)</i> and a <i>Chest X-ray Certificate (INZ 1096)</i> (which are less than three months old). Provide this if the certificates previously provided for any applicant included are older than 36 months, or if the health of any applicant included has deteriorated since your last application.	<input type="checkbox"/>
<input type="checkbox"/>	I have attached police certificates.	<input type="checkbox"/>
<input type="checkbox"/>	I have attached business plan(s) and supporting documents.	<input type="checkbox"/>

Returning your documents

Tick one of the following options

I wish to collect my documents when ready. <i>(This option is not available to applicants in the Auckland region.)</i>	<input type="checkbox"/>
Return all documents to me by secure post at the address given at B3.	<input checked="" type="checkbox"/>

Keeping a copy of my application, business plan and other documents

I have kept a copy of my application, business plan and all other documents for my records, and for use in my Entrepreneur Residence application	<input checked="" type="checkbox"/>
If an adviser completed my application and business plan on my behalf, they have provided me with a complete copy of my business plan, application and documents for use in my Entrepreneur Residence application	<input checked="" type="checkbox"/>

Please send your completed application to:
 Business Migration Branch
 PO Box 27149
 Wellington 6141
 New Zealand

When filling in this form, please write clearly using CAPITAL LETTERS.

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New Zealand Government



MALCOLM PACIFIC IMMIGRATION

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2 Kitchener Street, Auckland
PO Box 6219, Wellesley Street, Auckland 1141, New Zealand
Tel: +64 9 309 4187 Fax: +64 9 366 4730
email: akld@malcolmpacific.com
www.malcolmpacific.com

8 February 2017

BY OVERNIGHT COURIER

Immigration New Zealand
Business Migration Branch
Level 3
Kordia House
WELLINGTON



Dear Sir/Madam

Colin Rath s9(2)(a)

Attached is an application for a Work Visa lodged on behalf of the above named lodged under the Entrepreneur Work Visa Category.

I am authorised to act for the above named.

CASE OVERVIEW

- The applicant is a 53 year old American Citizen
- The applicant is married with three dependent children
- s9(2)(a)
- In this application Colin will confirm his proposed New Zealand business through a detailed business plan and financial forecasts
- We will document the applicant's business experience and investigations undertaken in New Zealand to ensure this business is successful
- s9(2)(a)
- Colin has a declared character issue which will be addressed below
- In this Entrepreneur Work Visa Application the applicant has claimed 140 points

POINTS SUMMARY

We have assessed the principal applicant qualifies for the following points:

Other Self Employment Experience:	20
Benefit to NZ (2 new full time positions)	20
Capital Investment (\$500,000)	50
Age (50-59):	10
Business outside Auckland:	40
Total points claimed:	<u>140</u>



BUSINESS PLAN

The applicant proposes to purchase an existing business trading as Fiddlers Green Vineyard located 244-246 George Road, Waipara, north Canterbury.

We attach at **TAB 1** a copy of the Sale and Purchase agreement for this property. The purchase price is NZ\$1,200,000 and is subject to Immigration and Overseas Investment Office (OIO) approval.

While the Immigration and OIO Process is being undertaken the applicant has arranged to lease the property from the vendor.

The applicant has re-registered a New Zealand company for which he intends to use for his New Zealand business; Waipara Winds Limited.

The applicant has engaged **s9(2)(a) of the OIA** to prepare a detailed Business Plan which outlines how the applicant intends to rejuvenate the business and benefit New Zealand. The business plan meets instructions **BB3.15**.

Refer to **TAB 2** for a copy of the business plan and company registration documentation.

Previously, Fiddlers Green Vineyard, made and sold wine however the applicant intends to 'contract' the grapes to other local vineyards, which will generate a steady stream of income, while also rejuvenating the vineyard and creating a tourist destination with a cafe and 2 unit bed and breakfast facilities. He will also invest heavily in the existing vines to ensure that they significantly increase yields.

The property itself is 28 hectares with 13.5 hectares of established vines (approx 33,100 vines in total), a distinctive French style residence and adjacent tasting room.

The business plan is very detailed and outlines clearly the applicant's intention to establish the "go-to" place for experiencing the local flavors of Waipara Wine Valley.

s9(2)(a) of the OIA, **s9(2)(a) of the OIA**, has worked with the applicant to prepare financial forecasts for Waipara Winds Limited.

A 3 year financial projection summary is provided for your consideration along with a short summary of the key projections, them being:

Projected Revenue and Expenditure for all activities:

Total Revenue:

s9(2)(a)

Total expenses (excluding depreciation):

s9(2)(a)



Net Profit (before depreciation):

s9(2)(a)

From Year 2 onwards the expenses include the equivalent of a s9(2)(a) of the OIA salary payable to the applicant s9(2)(a) of the OIA. This is on the basis that s9(2)(a) be working full-time in the business.

Refer to **TAB 2** for the Financial Forecasts and Summary.

As required by instruction **BB3.15.1 (Requirements for a business plan involving the purchase of an existing business)** we attach the financial information to allow INZ to assess the proposed benefit to New Zealand.

s9(2)(a) of the OIA Business Advisor, has provided 4 years of financial information regarding the purchased business, Fiddlers Green Vineyard located 244-246 George Road, Waipara. To summarize the Financial Performance of the previous business:

31 March 2014

- Total Income
- Total Cost of Sales
- Gross Profit
- Total Operating Expenses
- Net Profit

s9(2)(a) of the OIA

31 March 2015

- Total Income
- Total Cost of Sales
- Gross Profit
- Total Operating Expenses
- Net Profit

s9(2)(a) of the OIA

31 March 2016

- Total Income
- Total Cost of Sales
- Gross Profit
- Total Operating Expenses
- Net Profit

s9(2)(a) of the OIA

31 March 2017

- Total Income
- Total Cost of Sales
- Gross Profit
- Total Operating Expenses
- Net Profit

s9(2)(a) of the OIA

The vendor, s9(2)(a) of the OIA, has also provided a letter to confirm that prior to the sale of the business the company did not employ any permanent employees. This is quite clearly reflected in the Profit and Loss statement which records zero expenses attributed to wages & salaries.

The vendor's financial information can be found at **TAB 3**



The applicant has proposed to benefit New Zealand through the creation of employment and significant increase in the annual turnover of the business. In fact, since the purchase of this property the applicant has already employed two full time New Zealand Citizens - s9(2)(a) of the OIA as a General Foreman and s9(2)(a) of the OIA - Vineyard Hand. Refer to page 19 of the business plan for details of the proposed employees and TAB 2 for s9(2)(a) of the OIA

The applicant has undertaken significant investigation to establish the viability of the proposed business in New Zealand. We attach the following documents for your consideration:

1. Information Memorandum from Harcourts
2. Market Valuation of 244-246 Georges Road, Waipara. You will note on page 1 under the heading "Brief Description" the valuer states the Vineyard is unpruned and management appears to have been mixed over recent years with the vineyard in need of some intensive inputs and a restorative pruning regime.
3. Report on Fiddler's Green vineyard infrastructure forming part of due diligence for the purchase of 244-246 Georges Road, Waipara, New Zealand. This is a very detailed report on the state of the vineyard at purchase and outlines the plans to rejuvenate the business in the future

Refer to TAB 4 for the documents listed above

The applicant has engaged a number of professionals in New Zealand to ensure the successful purchase of 244-246 Georges Road, Waipara, and the future success of the business. We attach the following evidence:

1. Letter of Engagement to confirm Colin Rath has engaged s9(2)(a) of the OIA, Overseas Investment Specialist, to manage an application for consent under the Overseas Investment Act 2005. This consent is required as the property which the applicant intends to purchase is considered sensitive land due to its size.
2. Letter of Engagement to confirm Colin Rath has engaged s9(2)(a) of the OIA to provide assistance in the preparation of a Business Plan, Financial Projections and other advisory services
3. Confirmation Colin Rath has engaged s9(2)(a) of the OIA to make an assessment of the vine health, potential cropping and strategies such as spray programmes, weed control and canopy management
4. Confirmation Colin Rath has engaged s9(2)(a) of the OIA to conduct an initial inspection and overview of the vineyard infrastructure. Note; s9(2)(a) of the OIA was the writer of the report on Fiddler's Green vineyard infrastructure forming part of due diligence referred to at point three above
5. Confirmation Colin Rath engaged s9(2)(a) of the OIA to provide viticulture consulting, machinery hire and vineyard labour
6. Letter of Engagement to confirm Colin s9(2)(a) have engaged s9(2)(a) to provide services relating to the design of the kitchen/restaurant, menu planning and supplier sourcing

Refer to TAB 5 for the documents listed above



CAPITAL INVESTMENT FUNDS - LAWFULLY OWNED & EARNED

The purchase price of 244-246 George Road, Waipara, is NZ\$1,200,000

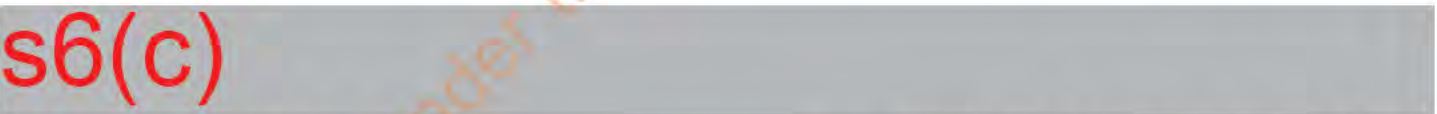
The applicant has undertaken to invest \$500,000 for immigration purposes.

The funds will be used to partially pay the cost of the property. The remainder of the purchase price will be paid for by way of mortgage; mortgage documentation from **s9(2)(a) of the OIA** can be found at **TAB 6.**

The proposed investment funds are owned by the applicant and have been lawfully earned.



The company incorporation document, operating agreement and amendment to agreement can be found at **TAB 9.**



To demonstrate the funds **s6(c)** were lawfully earned we attach US Income Tax documentation for Colin and **s9(2)(a) of the OIA**. These confirm:

s9(2)(a) of the OIA

Income Year 2009
Income Year 2010
Income Year 2011
TOTAL

Colin Rath

Income Year 2009
Income Year 2010
Income Year 2011
TOTAL

s9(2)(a) of the OIA



The Income Tax Documentation can be found at **TAB 10.**



MAINTENANCE FUNDS

The applicant ^{BB(2)(a) of the OIA} earn sufficient funds in the US to maintain their family while in New Zealand.

s9(2)(a)

Documentation to confirm the above can be found at **TAB 11.**

OTHER SELF EMPLOYMENT EXPERIENCE

The applicant has sufficient business experience to satisfy INZ the proposed business in New Zealand will be successful.

Colin Rath is claiming 20 points for more than 10 years self employment.

s9(2)(a)

Documentation concerning the applicant's business experience can be found at **TAB 12.**

Based on the above you can be satisfied the applicant meets instruction **BB6.1.15, *Definition of self-employment***

BANKRUPTCY/BUSINESS FAILURE OR FRAUD/FINANCIAL IMPROPRIETY

The applicant has declared that he has not been bankrupt, been involved in business failure or charged with fraud or financial impropriety.

ENGLISH LANGUAGE

The applicant was born and Educated in America completing a Bachelor of Arts majoring in Economics. A copy of the bachelor degree can be found at **TAB 13.**



PARTNERSHIP OF APPLICANTS

Colin and **Out of scope** **s9(2)(a)** married on **s9(2)(a)** Marriage certificate attached.

The couple has three children together; birth certificates attached.

s9(2)(a)

The partnership requirements have been met.

Documentation can be found at **TAB 14**.

HEALTH

The family have completed full eMedical Certificates. The relevant NZER numbers are:

s9(2)(a) of the OIA

The medicals were completed on the 11 January 2017.

eMedical sheets can be found at **TAB 15**.

CHARACTER

We attach FBI Police certificates for Colin **Out of scope**. We also attach a Canadian Police Certificate for Colin Rath as he is a **s9(2)(a) of the OIA**.

You will note from reviewing Colin's FBI Police Certificate **s9(2)(a) of the OIA**. To summarize:

s9(2)(a) of the OIA

Colin has provided an explanation for the above which occurred 30 + years ago.

The Police Certificates and explanation from the applicant can be found at **TAB 16**.

Further submissions regarding the applicant's character can be provided if required.

CONCLUSION

The applicant is a 53 year old American Citizen lawfully in New Zealand with his family.



The applicant is in the process of purchasing an existing vineyard located 246 George Road, Waipara.

The applicant has proposed to benefit to New Zealand through the creation of employment and significant increase in the annual turnover of the business.

Colin has sufficient business experience to successfully implement the business plan and has undertaken extensive research in New Zealand to ensure the success of the business.

The nominated asset has been lawfully earned and s6(c) [REDACTED].

The requirements of the Entrepreneur Work Visa Category have been meet.

We request a 1 year Entrepreneur "Start Up" Visa be issued to the applicant so that he can start the process to secure Overseas Investment Official (OIO) approval and finalize the purchase of the business.

ATTACHMENTS

- Entrepreneur Work Visa Application form - INZ 1222 - application fee authorised - 2 x passport photos attached to application form.
- Birth Certificates.
- Applicants passports.
- Tab 1 - Sale and Purchase Agreement of Business
- Tab 2 - Business Plan, Company registration documentation and Financial Forecasts
- Tab 3 - Vendor's Financial information
- Tab 4 - Business Investigation and Supporting Documents
- Tab 5 - Professionals Engaged in New Zealand
- Tab 6 - Mortgage documentation
- Tab 7 - Nominated Asset
- Tab 8 - Documentation to confirm original Purchase of Nominated Asset
- Tab 9 - Company Ownership documentation and Operating Agreements
- Tab 10 - US Income Revenue Statements
- Tab 11 - Settlement/Maintenance Funds
- Tab 12 - Business Experience
- Tab 13 - English Language
- Tab 14 - Relationship Evidence
- Tab 15 - eMedical information Sheets



➤ Tab 16 - Police Certificate and supporting documents Yours faithfully

Yours faithfully

s9(2)(a)

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Relationship Evidence

Released under the Official Information Act 1982

Rel
EV

Sales and Purchase Agreement

Released under the Official Information Act 1982

Business Plan and Financial Forecasts

Released under the Official Information Act 1982

Vendor's Financial Information and Documents

Released under the Official Information Act 1982

F → s9(2)(a)

Application number: s9(2)(a)
Client number: s9(2)(a)



22 January 2019

Mr Colin Rath
c/- Malcolm Pacific Immigration
PO Box 6219
Wellesley Street
AUCKLAND 1141

Attn: s9(2)(a) Licensed Immigration Adviser

Dear Mr Rath

Application for a Visa, Work, Work to Residence, Entrepreneur Work Visa ("Balance of 3 year period") for:

Applicant:

Colin David Rath

Out of scope

s9(2)(a)

Date of birth:

s9(2)(a)

Please refer to your application for further visas under the Entrepreneur Work Visa (EWV) category, which was received on 20 December 2018.

Method of transfer of funds used for capital investment

Capital investment under EWV is recognised on the basis that it includes nominated funds (BB3.5.10). i.e. the funds/assets you nominated at the time of your original EWV application. The standard requirement at this stage is to show that "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." BB4.5ai refers.

s6(c)

Our decision on your application

Your further New Zealand work visa has now been issued. This is valid to 07 July 2020. i.e. 3 years from the issue date of your original EWV, or for the

NZI377271

remaining portion of the balance of three year period. The further visa conditions include: *The holder may only work as a self-employed business person in North Canterbury for Waipara Winds Ltd (vineyard)*. The same definition of self-employment (BB6.1.15) remains applicable.

Your work visa is multiple entry so that if you leave New Zealand, you will be able to return during the period to work on a self-employed basis in the same business.

The conditions of your work visa

While you are in New Zealand, you must hold a valid visa at all times.

You must also ensure that:

- any time spent in New Zealand is involved in running your own business as proposed in the agreed business plan; and
- you maintain sufficient funds for your own maintenance and accommodation, and for your partner and the dependent children who are included as a part of your application.

Please note that:

- if the holder of a work visa issued or granted under the EWV category wishes to change their business proposal within the validity of their visa they must seek the consent of a business immigration specialist to the change;
- a visa may be revoked where the applicant is undertaking business activities that breach the conditions of their visa; and
- while in New Zealand on a work visa issued under the EWV category, you are not legally entitled to access benefits through the Social Security Act or Family Support through the Inland Revenue Department (IRD) of New Zealand.

An EWV business visa is temporary. It is not an indication that a later residence application will be approved. Any application for residence will be assessed under the terms and conditions applicable at the time any such application is lodged.

Notes:

1) NZ Companies Office shows that you are currently a shareholder/director of two NZ companies: Waipara Winds Ltd and New York Grape Escape Ltd. I note for the record that your adviser that New York Grape Escape Ltd will be terminated at end of the current financial year and "... was involved with the lease of the property before the final Sale and Purchase was completed." I have not therefore identified that other company on your visa label.

2) Benefits to NZ proposed in the agreed business plan include creating new, full-time employment for NZ citizens/residents. The applicable definition of employment creation at BB6.1.25 is attached.

3) Businesses established in New Zealand must comply with all relevant employment and immigration law. This includes:

- *paying employees no less than the appropriate minimum wage or other contracted industry standard; and*

- meeting holiday and special leave requirements and other statutory criteria, e.g. occupational safety and health obligations; and
- employing people who have the authority to work under the Immigration Act 2009.

Your partner and dependent child

s9(2)(a)

Contact us

If you have any questions, you can:

- call me on (04) 896 5540, or email me at andrew.leslie@mbie.govt.nz
- call our National Contact Centre on 0508 55 88 55 or 09 914 4100.

You will need to tell us your application and client numbers (see the top of this letter). Please be ready to quote them when you phone.

Best wishes to you **Out of scope** for success in implementing your business plan, **s9(2)(a) (a)** in NZ.

Yours sincerely

s9(2)(a) of the OIA

Andrew Leslie
Business Immigration Specialist

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.

BB6.1.25 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\(d\)](#).

s9(2)(a) of the OIA



EWV application for "Balance of 3 yr period", s9(2)(a) of the OIA (following extn to "the Entrepreneur Start-Up stage" 4.5.5a, s9(2)(a) of the OIA

Interim Appln No: s9(2)(a) of the OIA
 COP (BB5): s9(2)(a) of the OIA
 Extn to start-up): s9(2)(a) of the OIA
 Name (PA): Mr Colin David RATH s9(2)(a) of the OIA
 Partner/spouse (SA): Out of scope s9(2)(a) of the OIA
 Dependent children (DCs X3): s9(2)(a) of the OIA s9(2)(a) of the OIA
 Lodged: 20 Dec 2018

07 July 2017

All 5 applicants b. US & hold US pts

BB4.5 Requirements at the end of the Entrepreneur Start-Up stage

- a. Towards the end of the Entrepreneur Start-Up stage, the holder must provide evidence sufficient 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.

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. 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.

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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 24/03/2014

▪ <i>WV valid to 07 Feb 2019</i>	Yes		
▪ <i>Evidence of business start up</i>	Yes		
▪ <i>Evidence of Funds Transfer</i>	Yes		

In this case the original "Entrepreneur Start-up stage" is 07 Jul 2017 – 07 Jul Oct 2017, and extn to 07 Feb 2019. I accept this application was made:

- "... at the expiry of that second period" (in terms of BB4.5.5b); and
- "Towards the end of the Entrepreneur Start-Up stage ..." (in terms of BB4.5a).

The information now provided indicates PA fully met the conditions of his:

- original EWV, which included: *The holder may only work as Owner/Operator in Waipara for Waipara Winds Ltd.*
- Further extn EWV, which included: *The holder may only work as a self-employed business person in North Canterbury for Waipara Winds Ltd (vineyard).*

AMS shows:

- PA entered NZ on 21 Jul 2017 s9(2)(a) s9(2)(a) of the OIA

BM criteria were not in effect at the time of the original EWV application, but were assessed positively at the extension stage. I have reviewed background and I am satisfied he has met, and still meets "the fit and proper person requirements" set out at BM1 (BB4.5b).

Business Established: Waipara Winds Ltd t/a "Fiddler's Green Vineyard", 244-246 St Georges Rd, Glasnevin, North Canterbury www.fiddlersgreen.co.nz

Docs previously provided relate to established vineyard between located Waipara and Amberley. Property is 19.46 ha. The business has its own label wines, and operates wine-tasting, catering, and host events.

It proposed to gradually rebrand from "Fiddler's Green to "Waipara Winds".

- Company was reg'd on 07 Nov 2016; PA is the sole director and 100% shareholder.
- OIO approval was given Jan 2018, and purchase and sale agreement is dated 22 June 2018.

I have been provided a copy of a loan agreement with s9(2)(a) of the OIA f the OIA

s6(c)

Verification/risk/comment:

s6(c) of the OIA

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Family

I am satisfied that the 5 applicants are currently living together in a residence located on the vineyard property.

s9(2)(a) of the OIA, s6(c) of the OIA

s9(2)(a) of the OIA

Summary

I am satisfied:

- the business is established and operating/trading in a way that (at this stage) appears in line with the agreed plan;
- total investment made to date exceeds the amount originally proposed.

I am also now satisfied that PA has s6(c) and s6(c). Given, however, s6(c) has evidently been a s9(2)(a) of some of the funds used from other source(s). Given the background (i.e. that it was made quite clear in the original EWV appln that PA is/was reasonably wealthy and held significant further funds) I am satisfied as to PA's ownership of these additional funds.

The plan was made on the basis s6(c)

While I find this process quite legitimate, this means these funds were not "transferred directly from the holder's bank account(s) through the banking system to New Zealand" (in terms of BB4.5ai). I find the documentation on this transfer clear/transparent.

Decision(s) taken

APPROVE

On the basis given above I will issue a further W V to PA as an ETI; this would be as an ETI in respect of the method of funds transfer to NZ, and takes account of the facts that I find PA's ownership clear, and the method of transfer legitimate/clear/transparent. The further W V will be to 07 July 2020.

s9(2)(a)

Signed

s9(2)(a) of the OIA

Andrew Leslie
Business Immigration Specialist

Date: Tuesday, 22 January 2019

NEW YORK GRAPE ESCAPE LIMITED (6153128) Registered

To maintain this company [log on here](#)

Last updated on 11 Sep 2018

[Company Summary](#) [Addresses](#) [Directors \(1\)](#) [Shareholdings \(1\)](#) [Documents \(8\)](#) [PPSR Search](#)

Company number: 6153128
NZBN: 9429043413195
Incorporation Date: 07 Nov 2016
Company Status: Registered
Entity type: NZ Limited Company
Constitution filed: [Yes](#)
AR filing month: August , last filed on [11 Sep 2018](#)

Ultimate holding company: No

Company addresses: **Registered Office**
246 Georges Road, Rd2, Amberley,
7482 , New Zealand
Address for service
246 Georges Road, Rd2, Amberley,
7482 , New Zealand
[View all addresses](#)

Directors Showing 1 of 1 directors
Colin David RATH
246 Georges Road, Rd 1,
Amberley, 7828 , New Zealand

Company record link: <http://app.companiesoffice.govt.nz/co/6153128>

Additional NZBN Information	
Trading Name:	No trading name
Phone Number:	+64 3 3147879
Email Address:	colinrathnyc@gmail.com
Website:	No website
Industry Classification:	A013110 Grape growing

Generated on Monday, 14 January 2019 12:05:50 NZDT

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Andrew Leslie

From: s9(2)(a) of the OIA
Sent: Monday, 21 January 2019 5:17 p.m.
To: Andrew Leslie
Subject: RE: Entrepreneur Work Visa - Colin Rath s9(2)(a) of the OIA [IN-CONFIDENCE:RELEASE EXTERNAL]

Hi Andrew

I hope you had a nice weekend.

I have spoken with the above applicant and he has confirmed:

s9(2)(a)

Financial Forecast

The applicant has confirmed the previous forecasts did take into account the loan and loan payments. However he is reviewing the forecasts with his chartered accountant and if they are no longer accurate a change of business plan application will be lodged. //

Regards

s9(2)(a)

MALCOLM PACIFIC IMMIGRATION
Trust - Integrity - Service

Malcolm Pacific (Auckland) Limited
Level 5, 2 Kitchener Street, Auckland 1010, New Zealand
Ph: s9(2)(a)
Email: s9(2)(a)
Website: www.malcolmpacific.com

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From: Andrew Leslie <Andrew.Leslie@mbie.govt.nz>
Sent: Monday, January 14, 2019 2:20 PM
To: s9(2)(a) of the OIA
Subject: RE: Entrepreneur Work Visa - Colin Rath s9(2)(a) of the OIA [IN-CONFIDENCE:RELEASE EXTERNAL]

s9(2)(a) of the OIA thanks for your comments from earlier today. As discussed grateful if you could advise a.s.a.p. if PA wishes consideration to be given at this stage to a change request (under BB5). And if this is going to involve re-worked financial forecasts (showing loan re-payments), then when will these be available?

Work visa label wording

The conditions of the previous EWVs stipulated PA be self-employed in Waipara Winds Ltd, which I understand is the primary and substantive (vineyard, wine-making) business entity.

NZ Companies Office shows PA is also the sole director and shareholder of New York Grape Escape Ltd. If this other company is in fact already trading then I surmise it's an associated, secondary entity; and may be more tourist oriented. If we can take the 2 companies as one business, then we can identify both these NZ companies on PA's visa label? Or if not then is some change to ownership planned?

If, however, the 2nd company's activities involves some divergence from the agreed plan, then this'll presumably need to be formalised within a change request (see above).

s9(2)(a) of the OIA

I'll be pleased to discuss further if that'll be helpful.

Andrew Leslie

BUSINESS IMMIGRATION SPECIALIST

Visa Services - Porirua, Immigration New Zealand
Ministry of Business, Innovation & Employment

andrew.leslie@mbie.govt.nz | Telephone: +64 (04) 896 5540
www.immigration.govt.nz

NZBN 9429000106078



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

Andrew Leslie

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**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

From: Andrew Leslie

Sent: Monday, 17 December 2018 9:56 a.m.

To: s9(2)(a) of the OIA

Subject: RE: Entrepreneur Work Visa - Colin Rath s9(2)(a) of the OIA [IN-CONFIDENCE:RELEASE EXTERNAL]

s6(c) – we don't necessarily need a new EWW application form at this stage but (as with other EWW types), we'll need this in hard copy.

I note the earlier application wasn't in fact approved as an "exception" but rather in terms of the specific instruction at BB4.5.5a. So we're now at the stage set out at BB4.5.5b. i.e. the "expiry of that second period" is the deadline of 07 Feb 2019.

Our records show that in this case PA originally claimed 50 qualifying points based on his proposed capital investment of \$500,000+; and s6(c)

s6(c) there's therefore an s9(2)(a) s9(2)(a) s9(2)(a) of the OIA. In the circumstances it appears that what we'll now need to consider is making an "exception to instructions" in relation to:

- s6(c) transferred directly from the holder's bank account(s) through the banking system to New Zealand" (i.e. in the way prescribed at BB4.5ai); and
- s9(2)(a) s9(2)(a) of the OIA of the proposed total of \$500,000 derives s9(2)(a), s6(c)

It may therefore be helpful if PA can provide info. on the source/ownership of the s9(2)(a) funds, and whether they were transferred to NZ through the banking system.

Given the coming holiday period, and that we're working to a date of 07 Feb, I suggest that if you do wish to discuss at this stage, we do so a.s.a.p.

regards

Andrew Leslie
BUSINESS IMMIGRATION SPECIALIST

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NEW YORK

The New York Times

THE APPRAISAL

Untested Developer Picked Wrong Time, Wrong Place and Wrong Neighbors

By Matt A.V. Chaban

June 8, 2015

Standing beside one of the two waterfalls he had built into his duplex condominium on West 15th Street in Manhattan, Colin Rath smiled. The waterfalls feed a narrow koi pond that runs the length of the living room and was scooped out in the shape of a scale replica of the Yangtze River in China.

"It's so peaceful in here," he said.

What he wanted to do next door, however, is another story, one Mr. Rath, 52, has now told in a self-published book. Whether it was a case of tremendous misfortune or terrible miscalculation is hard to say. What the episode does reveal is the remarkable excesses that prevailed a decade ago, and perhaps again today, across New York City.

"We went to hell and back I don't know how many times," Mr. Rath said, reflecting on the two decades he spent on the block in the Chelsea neighborhood, half of them trying to build his "green dream," an eight-story boutique condominium building.

Meant to be ahead of its time, employing every luxury and technology imaginable, the project instead pulled its creator in over his head. In 2010, he walked away with nothing but 27 debtors clamoring for absent millions, and friends and relatives who had soured on the enterprise.

Mr. Rath and his wife, Pamela Harvey-Rath, were outsiders in the cutthroat world of New York development: He had helped run his father's direct-mail business in Stamford, Conn.; she was a gallerist and former model who had once posed with Fabio Lanzoni for the covers of romance novels.

After their success building their quixotic condo at 121 West 15th Street, with its curved ceilings and comic-art wallpaper, they were ready to give it all up and sail around the world. Instead, they decided to buy the single-room occupancy building next door. In 2003, they bought 123 West 15th Street for \$1.6 million so they could gut it, connect it to their home, build and sell condos above, and eventually use the rental income from their double-wide unit to fund their journey.

The book, titled "It Is What It Is," recounts not only the people Mr. Rath believes wronged him, but also the wrongs he committed; it is candid, confident and, at times, condescending.



An artist's rendering of Mr. Rath's plans for 123 West 15th Street in Chelsea in Manhattan. The most striking, or startling, feature proposed was the curved three-story cantilevered penthouse that many neighbors likened to an alien pod.
Jason Stoikoff

From the outset, the Rathes encountered problems. There were nine S.R.O. tenants in place, most all of whom required buyouts that totaled \$525,000. With the building finally emptied in 2006, demolition began.

The designs for the building called for geothermal wells and a rotating garage platform for three cars — Mr. Rath was frustrated by having to leave his Porsche on the street.

The most striking, or startling, feature proposed was a curved, three-story cantilevered penthouse that many neighbors likened to an alien pod. Objections spread from the block to the community board and even to Christine C. Quinn, who was then speaker of the City Council and represented the neighborhood. Their complaints led to multiple rounds of city reviews, and eventually a reduction in the building's height to seven stories.

The Rathes struggled to find financing for the project, even during the years of profligate real estate investing, and had to turn to a lender on Long Island that offered an interest rate of 13 percent, roughly \$5,000 per day.

When he began excavating the foundation, the jittery neighbors at 125 West 15th Street came by, requesting \$20,000 to pay an architect and engineer to look over the work for them. Mr. Rath described it in the book as a shakedown. (The neighbors declined to comment.)

Yet the neighbors may have had the right idea.

On a rainy day in November 2006, a construction crew was working beneath the foundation, built in 1853, when a portion of it collapsed, nearly crushing a worker, who suffered a broken leg.

Mr. Rath learned that the new pilings meant to hold up the old foundation and the planned penthouse had not been set deep enough, and he had to spend an additional \$3 million redesigning and rebuilding everything.

He got no further than erecting the steel frame before Lehman Brothers imploded, dragging down the project, along with so many others, as the credit market dried up.

In the book, Mr. Rath spends a good deal of time accusing various contractors and creditors of fraud while questioning the mental states of certain neighbors who attacked the project. Robert Boddington, head of the block association, was "seriously unbalanced" and "diagnosable," and is accused of screaming at Mr. Rath's children.



Mr. Rath beneath a ceiling design made of marbles in his condominium in Chelsea.
Tina Fineberg for The New York Times

"His book," Mr. Boddington said last week in an interview, "appears to be built on lies, just like his buildings."

Mr. Rath said he was unconcerned about charges of libel, having taken out media insurance. "Besides," he said, "you can't be sued over the truth."

He spent the next two years fending off one creditor after another, hoping to find a way to salvage his project. He eventually surrendered the property to the lender in 2009. Within a year, a six-story rental building was completed, looking very much like a traditional limestone townhouse, one that Mr. Rath found "uninspired."

"If you look around, all the work we were doing, in sustainability, cantilevered construction, everything we were ridiculed for, it's everywhere now," Mr. Rath said.

Ultimately, Mr. Rath lost millions, a good deal of which was borrowed from his father. He is hoping the sale of his condo, which is now on the market for \$3.1 million — down from an initial \$4.1 million — could help cover some debts.

He did manage to have one stroke of very good luck: The \$2.7 million mortgage he had taken out on his waterfall-adorned condo to help finance the adjacent development was erased in court.

The lender, Bank of America, had tried to foreclose after Mr. Rath stopped paying, but amid the craziness of the mortgage meltdown, it could not prove it was entitled to the property. Despite the bank's pleas that Mr. Rath was seeking a "windfall," a judge nullified the debt last year.

Mr. Rath has been renting out the condo for \$10,000 a month since moving his family in 2010 to Connecticut, where they have taken up sailing full time. After spending this past winter in the Caribbean, the family is planning to sail to Europe this summer on a 55-foot Hanse 545 racing cruiser, before circumnavigating the globe.

The yacht is named Persevere, a reminder of all that came before.

"We're thinking of settling in New Zealand," he said. "This is not the America I knew."

Correction: June 8, 2015

An earlier version of this article misstated the number of waterfalls in the 15th Street condominium of Colin Rath and the year that the adjacent property was surrendered to the lender. The condo has two waterfalls, not three, and the property was surrendered in 2009, not 2010. The error about the waterfalls was repeated in a picture caption.

Twitter: @MC_NYC

Email: appraisal@nytimes.com

A version of this article appears in print on June 9, 2015, on Page A21 of the New York edition with the headline: Untested Developer Picks the Wrong Time and the Wrong Place

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s9(2)(a)

MALCOLM PACIFIC IMMIGRATION

Trust · Integrity · Service

PO Box 6219, Wellesley Street, Auckland 1141, NEW ZEALAND
Tel: +64 9 309 4187 Fax: +64 9 366 4730
email: akld@malcolmpacific.com
www.malcolmpacific.com

19 December 2018

s9(2)(a)

BY OVERNIGHT COURIER

Immigration New Zealand
Business Migration Team
PO Box 50728
PORIRUA

s9(2)(a) of the OIA

Attention: Andrew Leslie

Dear Andrew

Colin David Rath

s9(2)(a)

On 2 August INZ approved an extension of the above applicant's Entrepreneur (Start Up) Work Visa until 7th February 2019.

The above extension was approved as an exception to allow the applicant more time s9(2)(a) invest s6(c) into his New Zealand business; specifically, the applicant was required to invest a further s9(2)(a) of the OIA

INZ have been satisfied the applicant has invested s9(2)(a) of the OIA; the outstanding amount of s9(2)(a) of the OIA will meet the requirements to invest a minimum of \$500,000 into the New Zealand business.

The funds that have been invested into the nominated business to date of s9(2)(a) of the OIA were not nominated in the original Entrepreneur Work Visa application. Submissions and supporting documentation were provided s9(2)(a) on 3 July 2018 requesting that the funds invested into the business be accepted as an exception. Based on the fact the applicant's Visa was approved after this request we presume INZ have accepted this request and recognise the investment of s9(2)(a) of the OIA made to date. We have attached a copy of our submissions dated 3 July 2018 to this letter for your ease of reference.

The applicant s6(c) completed his investment in New Zealand.

s6(c)

We have attached a "Loan Agreement" Between the applicant "Colin Rath" the business "Waipara Winds" and s9(2)(a) of the OIA who is the lender. The Loan Agreement is for s9(2)(a) of the OIA

Attached is the Trust Account Statement from the applicant's solicitors, s9(2)(a) of the OIA to confirm the receipt of the funds from s6(c) s9(2)(a) of the OIA This statement



confirms a payment of s9(2)(a) of the OIA (mortgage lender) on behalf of the applicant's business Waipara Winds Ltd.

s6(c)

The applicant has invested his nominated funds as follows:

1. Deposit on property s9(2)(a) of the OIA
2. Vineyard Improvements
3. B & B, Café and Amphitheatre
4. Payment towards Mortgage

TOTAL

Colin Rath has met the requirements to invest \$500,000 into the nominated business.

We request Colin and his family be granted the remainder of their Entrepreneur Work Visas valid until 7th July 2020.

We look forward to receiving the new eVisas for the family soon,

Yours faithfully

s9(2)(a) of the OIA

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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.

BB4.5 Requirements at the end of the Entrepreneur Start-Up stage

- 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.

BB4.5.5 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

From: s9(2)(a) of the OIA
Sent: Friday, 14 December 2018 1:41 p.m.
To: Andrew Leslie
Cc: Colin Rath (colin@waiparawinds.co.nz)
Subject: Entrepreneur Work Visa - Colin Rath s9(2)(a) of the OIA

Hi Andrew

I hope all is well leading up to the Christmas break.

On 2nd August 2018 you approved an extension of the above applicant's Entrepreneur "Start Up" Work Visa.

The current Visa is valid until 7th February 2019.

The above extension was approved as an exception to allow the applicant sufficient time to s6(c) and invest s6(c) his New Zealand business; specifically the applicant is required to invest a further s9(2)(a) of the OIA. INZ have been satisfied the applicant has invested s9(2)(a) of the OIA; the outstanding amount of s9(2)(a) will meet the requirements to invest a minimum of \$500,000 into the New Zealand business.

s6(c)

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Regards

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