

s9(2)(a)



**MALCOLM PACIFIC IMMIGRATION**

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

s9(2)(a)

Website: [www.malcolmpacific.com](http://www.malcolmpacific.com)

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Released under the Official Information Act 1982

# s9(2)(a) of the OIA



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 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 s6(c)

**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), and allows you a further opportunity s6(c) to transfer the outstanding balance of the total proposed investment s9(2)(a) of the OIA) 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 EWB/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**

s9(2)(a)

# s9(2)(a) of the OIA

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.leslie@mbie.govt.nz](mailto: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 for success in implementing your business plan.

Yours sincerely,

s9(2)(a) of the OIA

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).

NEW ZEALAND  
IMMIGRATION SERVICE

Te Ratonga Manene



**EWV application for "Balance of 3 yr period",**

s9(2)(a) of the OIA

Interim Appln No:

COP :

Name (PA):

Partner/spouse (SA):

Dependent

children (DCs X3):

Lodged:

s9(2)(a)

Mr Colin David RATH

s9(2)(a) of the OIA

Out of scope

s9(2)(a) of the OIA

s9(2)(a) of the OIA

03 July 2018

All 5 applicants b. US & hold US ppts

Further updated docs provided 12 July 2018

**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.



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 Jul 2018</i>	Yes		
▪ <i>Evidence of business start up</i>	partial		
▪ <i>Evidence of Funds Transfer</i>	partial		

In this case the "Entrepreneur Start-up stage" is 07 Jul 2017 – 07 Jul Oct 2017. I accept this application was made "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 earlier WV, which included: *The holder may only work as Owner/Operator in Waipara for Waipara Winds Ltd.*

AMS shows:

- PA entered NZ on 21 Jul 2017 and has since spent s9(2)(a) of the OIA

BM criteria were not in effect at the time of the earlier EWV application. 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 under Establishment: Waipara Winds Ltd t/a "Fiddler's Green Vineyard", 244-246 St Georges Rd, Glasnevin, North Canterbury [www.fiddlersgreen.co.nz](http://www.fiddlersgreen.co.nz)**

Docs provided relate to established vineyard between located Waipara and Amberley. Property is 19.46 ha. I understand the business has its own label wines, and operates wine-tasting, catering, and host events.

It proposed to gradually rebrand" as "Waipara Winds", the name "Fiddler's Green Vineyard and Bistro" has been trade-marked for the cellar-door operation, nd construct a "container" property, and develop an amphitheatre.

- Company was reg'd on 07 Nov 2016; PA is the sole directors and 100% shareholder.
- OIO approval was given 27 Jan 2018, and purchase and sale agreement is dated 22 June 2018.
- I understand the sale is recently transacted

**Verification/risk/comment:**

s6(c) of the OIA

s6(c) of the OIA

s6(c)

*Correspondence with LIA*

My email to LIA dated 01 May 2018 includes

Your 03 July letter includes a submission under BB5 ("Change of Business Proposal"), relating to the linkage between the nominated funds and the partial funds transferred to NZ. I understand, however, the plan is essentially unchanged, and that PA s6(c) to transfer s6(c) to NZ to s9(2)(a) to the total NZ\$500,000 (as originally proposed, and on the basis of which he claimed and was awarded 50 of the qualifying points).

I propose in the circumstances (as we discussed in our telephone conversation yesterday), rather than considering as a change request under BB5, to instead consider as an "Exception to instructions" in relation to the highlighted sections of BB3.5.10 and BB4.5ai below. And on that basis, given the he full proposed \$500,000 is yet to me made, to proceed consider an extension to the EWV "start-up stage" in terms of BB4.5.5a. This would be to allow PA further opportunity to s6(c) in the way set out at BB4.5ai) to make up the balance (s9(2)(a) of the OIA

In this case the standard 12 month EWV "Start -up stage" was 07 July 2017 - 07 July 2018, and the 5 applicants currently hold "interim" visas. We're currently looking at extending the "start-up stage" through to 07 February 2019. i.e. The effect would be to give PA a further opportunity s6(c) s6(c) the full \$500,000 investment as proposed, and on the basis of which PA claimed 50 qualifying points. I expect to formalise the visas shortly, perhaps later today.

When PA reapplies early next year we'd be looking at the remaining portion of the 3 year period. I.e. To 07 July 2020. s9(2)(a) of the OIA

**Verification/risk/comment:**

s6(c) of the OIA

# s6(c) of the OIA

## Family

# s9(2)(a) of the OIA

The business is trading, and I accept business establishment (as set out in the agreed plan) is on track, and that PA may (likely) yet make the full required level of investment (\$500,000) s6(c) the outstanding balance s9(2)(a) of the OIA) may yet be transferred to NZ in the way prescribed (as at BB4.5ai).

I have discussed time-frame with LIA. We agreed a 6 month extension (to 06 Jan 2019) might not necessarily be quite long enough, and the holiday period would effectively allow only to December.

### Summary

While PA has acquired the proposed business I am not satisfied that PA has yet established in line with the plan. This is because the nominated asset s6(c)

I accept, however, that business establishment is well in train and that PA may (and likely) will yet make that required level of investment. Given the timeframe involved I consider that it is appropriate to "extend the Entrepreneur Start-Up stage" (in terms of BB4.5.5a). On this basis a further work visa can be granted to PA to 07 Feb 2019. i.e. a 7 month extension to the original 12 EWV "start-up period". s6(c) make the full apital investment as originally proposed to the level and in the way that is set out in the agreed/approved business plan.

### Decision taken

**APPROVE** further W V to PA for further 7 month portion of "balance period" (to 07 Feb 2019).

Signed :

s9(2)(a) of the OIA

Andrew Leslie  
Business Immigration Specialist

Date: Wednesday, 01 August 2018

**Andrew Leslie**

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**From:** s9(2)(a) of the OIA  
**Sent:** Wednesday, 1 August 2018 9:10 a.m.  
**To:** Andrew Leslie  
**Subject:** RE: Colin RATH s9(2)(a) of the OIA EWV "balance" s9(2)(a) of the OIA [IN-CONFIDENCE:RELEASE EXTERNAL]

Sounds fine to me Andrew; than you for being so understanding.

Regards

s9(2)(a)



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

s9(2)(a)

Website: [www.malcolmpacific.com](http://www.malcolmpacific.com)

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**From:** Andrew Leslie <Andrew.Leslie@mbie.govt.nz>

**Sent:** Wednesday, August 1, 2018 9:06 AM

s9(2)(a) of the OIA

**Subject:** Colin RATH DOB s9(2)(a) of the OIA EWV "balance" s9(2)(a) of the OIA [IN-CONFIDENCE:RELEASE EXTERNAL]

s9(2)(a) of the OIA – I confirm the above application has now been allocated for assessment under BB4.5. Your 03 July letter includes a submission under BB5 ("Change of Business Proposal"), relating to the linkage between the nominated funds and the partial funds transferred to NZ. s6(c)

I propose in the circumstances (as we discussed in our telephone conversation yesterday), rather than considering as a change request under BB5, to instead consider as an "Exception to instructions" in relation to the highlighted sections of BB3.5.10 and BB4.5ai below. And on that basis, given the he full proposed \$500,000 is yet to me made, to proceed consider an extension to the EWV "start-up stage" in terms of BB4.5.5a. This would be to allow PA s6(c) (in the way set out at BB4.5ai) to make up the balance s9(2)(a) of the OIA.

In this case the standard 12 month EWV "Start –up stage" was 07 July 2017 – 07 July 2018, and the 5 applicants currently hold "interim" visas. We're currently looking at extending the "start-up stage" through to 07 February 2019. i.e. The effect would be to give PA a s6(c)

s6(c) [redacted] on the basis of which PA claimed 50 qualifying points. I expect to formalise the visas shortly, perhaps later today.

When PA reappplies early next year we'd be looking at the remaining portion of the 3 year period. I.e. To 07 July 2020. s9(2)(a) of the OIA [redacted]

regards

**Andrew Leslie**  
BUSINESS IMMIGRATION SPECIALIST

Visa Services - Porirua, Immigration New Zealand  
Ministry of Business, Innovation & Employment

[andrew.leslie@mbie.govt.nz](mailto:andrew.leslie@mbie.govt.nz) | Telephone: +64 (04) 896 5540  
[www.immigration.govt.nz](http://www.immigration.govt.nz)



**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HĪKINA WHAKATUTUKI

### 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.

#### **BB4.5.1 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).

Effective 10/11/2016

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Released under the Official Information Act 1982

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

**Client number:** s9(2)(a)

01 August 2018

Mr Colin Rath  
c/- Malcolm Pacific Immigration  
PO Box 6219  
Wellesley Street  
AUCKLAND 1141  
p2 Kitchener Street

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 03 July 2018.

Capital investment under EWV is recognised on the basis that it is from the nominated funds (BB3.5.10). I.e. the funds/assets nominated by you as a part 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)

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), and allows you a s6(c) [REDACTED] transfer the outstanding balance of the total proposed investment s9(2)(a) of the OIA) 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 EWB 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 EWB 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 EWB/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

# s9(2)(a)

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.leslie@mbie.govt.nz](mailto: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 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).

Hi Steffan

Can you please answer my questions below in regards to interim visas?

Regards

s9(2)(a)



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Level 5, 2 Kitchener Street, Auckland 1010, New Zealand

s9(2)(a)

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s9(2)(a)

**Sent:** Monday, June 11, 2018 4:04 PM

**To:** 'Steffan Christensen' <[steffan.christensen@mbie.govt.nz](mailto:steffan.christensen@mbie.govt.nz)>

**Cc:** Nicholas Robertson <[Nicholas.Robertson@mbie.govt.nz](mailto:Nicholas.Robertson@mbie.govt.nz)>

**Subject:** RE: Entrepreneur Work Visa - Colin Rath s9(2)(a) of the OIA [UNCLASSIFIED]

Hi Steffan

Thank you for the email and options provided.

After discussing with the client he would like to submit a change of plan request. I will be reviewing instructions and your email below to ensure the relevant information is submitted for consideration.

One practical question that I have; after the "change of plan" application is lodged will the applicant, s9(2)(a) Obviously the applicant is already running his business s9(2)(a) would not make sense from the to become unlawful.

Regards

s9(2)(a)



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**From:** Steffan Christensen <[steffan.christensen@mbie.govt.nz](mailto:steffan.christensen@mbie.govt.nz)>  
**Sent:** Thursday, May 31, 2018 2:21 PM  
**To:** s9(2)(a) of the OIA  
**Cc:** Nicholas Robertson <[Nicholas.Robertson@mbie.govt.nz](mailto:Nicholas.Robertson@mbie.govt.nz)>  
**Subject:** RE: Entrepreneur Work Visa - Colin Rath s9(2)(a) of the OIA [UNCLASSIFIED]

Good Day,

I have discussed this with the EWV manager and we have two solutions. One is to send in an EWV Change of Plan which would include all of the relevant information to support the new funds to be used for investment are from lawfully earned funds.

The other option is to lodge an EWV-Balance application and ask for some additional time to be added to the start-up period to enable s6(c) to fund the business.

Either option may be used. Please include or reference this conversation in a covering letter so that our team can verify this has been discussed as options as we have some staff movements coming up.

Cheers,

**Steffan Christensen**

Technical Advisor- Business Migration

Visa Services - Porirua, Immigration New Zealand  
Ministry of Business, Innovation & Employment

[Steffan.Christensen@mbie.govt.nz](mailto:Steffan.Christensen@mbie.govt.nz) | Telephone: +64 (04) 896-5563  
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12 July 2018

### BY OVERNIGHT COURIER

Immigration New Zealand  
Business Migration Team  
PO Box 50728  
PORIRUA



Dear Sir/Madam

### Entrepreneur Work Visa Balance & Change of Business Plan:

- Colin David Rath: s9(2)(a) of the OIA
- Out of scope s9(2)(a)

s9(2)(a)

An application to request the balance of the above applicant's Entrepreneur Work Visa and a Change of Business Plan was submitted to INZ for consideration on 4<sup>th</sup> July 2018.

We attach for your consideration further documentation to support the applicant's Visa extension. We attach documentation to confirm the applicant's acquisition of 244-246 Georges Road, Waipara. We attach:

- o Signed and completed Agreement for Sale and Purchase of Real Estate. This confirms the Purchaser is the applicant's company, Waipara Winds Limited, and the purchase price of NZ\$1,200,000.
- o Hurunui District Council "Sale of Ownership or Occupancy" documentation which the property transfer which has been completed.
- o Documentation from the applicant's solicitors, s9(2)(a) of the OIA which provides details of the settlement including the loans which the applicant has secured to settle the purchase price.
- o Title Certificates for the two parcels of land which confirm the applicant's company, Waipara Winds Limited, as the proprietors.
- o Documentation from Environment Canterbury Regional Council to confirm resource consents obtained by the previous owner to "take and use water" has been transferred to applicant's company, Waipara Winds Limited.

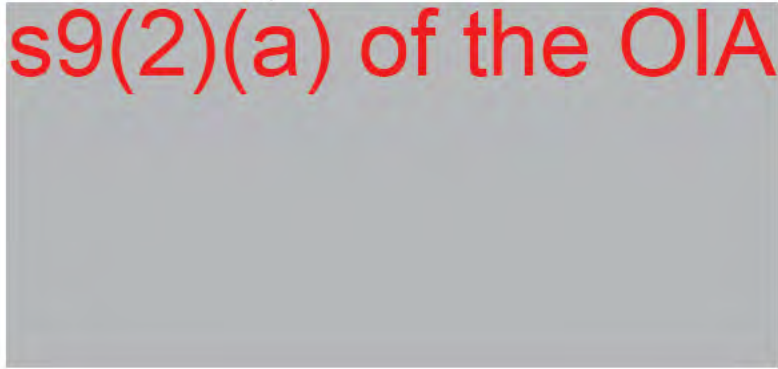




The applicant has purchased the proposed business outlined in the initial business plan provided to INZ with the Entrepreneur Work Visa application.

Yours faithfully

s9(2)(a) of the OIA



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s9(2)(a)

3 July 2018

Balar s9(2)(a) of the OIA

s9(2)(a) of the OIA

**BY OVERNIGHT COURIER**

Immigration New Zealand  
Business Migration Team  
PO Box 50728  
PORIRUA

s9(2)(a) of the OIA



Dear Sir/Madam

**Entrepreneur Work Visa Balance & Change of Business Plan:**

s9(2)(a) of the OIA

- Colin David Rath - Client No s9(2)(a)

**NOTE:** Nicholas Robertson has confirmed that upon receipt of this application Interim Visas will be issued to the applicant and family so that they remain in New Zealand lawfully; see attached correspondence.

The above applicant was issued an Entrepreneur "startup" Work Visa on 7 July 2017.

The applicant proposed to purchase an existing business trading as Fiddlers Green Vineyard located 244-246 George Road, Waipara, north Canterbury.

A Sale and Purchase agreement for this property was provided to INZ with the Entrepreneur Work Visa application. This agreement confirmed the purchase price of NZ\$1,200,000 subject to Immigration and Overseas Investment Office (OIO) approval.

While the OIO and Immigration applications were being assessed the applicant had an agreement to lease the property from the vendors. The lease agreement was provided with the Entrepreneur Work Visa application.

The applicant was granted approval by the Overseas Investment Office to purchase the property on 19 January 2018; refer TAB 1

The purchase price of 244-246 George Road, Waipara, is NZ\$1,200,000

The applicant undertook to invest \$500,000 for immigration purposes.

The nominated funds to meet the immigration investment requirements would partially pay the cost of the property. The remainder of the purchase price will be paid for by way of mortgage.

Colin Rath nominated s6(c) s9(2)(s9(2)(a) of the OIA to meet the investment requirements. Colin intended s6(c) use the s6(c) invest into the property.

s9(2)(a) of the OIA



Unfortunately, s6(c)

s9(2)(a) of the OIA refer TAB 2

As a result, the nominated funds have not been invested into the proposed business to date.

The applicant requests a **"change of business proposal"** as per instruction BB5 to allow the funds that he has invested in the business to be used towards the required NZ\$500,000 investment.

### CHANGE IN BUSINESS PROPOSAL

Instructions state:

*i. the changes proposed are minimal and do not significantly alter the nature of the proposed business; and*

The applicant wishes to have funds invested into the proposed business, derived from different sources that those outlined in the Entrepreneur Work Visa application, accepted and recognized by INZ.

We submit this request is minimal and does not alter any aspect of the business. Colin Rath will still invest \$500,000 into the proposed business.

We document below that the new funds were legally earned, transferred to New Zealand through the banking system and invested into the proposed business.

Refer to the heading "Investment Funds" below for details.

*ii. there are genuine reasons for changing the original business proposal; and*

There are genuine reasons for changing the funds that were used to establish the proposed business; namely, the applicant has been s6(c) in the Entrepreneur Work Visa application. s6(c)

*iii. the business still requires the same or a greater level of capital investment (see BB3.5.10) than the original business proposal; and*

the applicant intends to invest NZ\$500,000 into the business, as outlined in the Entrepreneur Work Visa application.

*iv. the proposed changes would have been granted the same or greater points in the points scale set out in BB3.10(d); and*

The change in nominated investment funds does not affect the "points claim" made by the applicant in the Entrepreneur Work Visa application.



*v.the business still meets the requirements for a business plan as set out in BB3.15; and*

There are no changes to the business plan or proposed business outlined to INZ.

*vi.the applicant has sufficient business experience relevant to the proposed business; and*

The applicant's business experience has been accepted in the previous application.

*vii.the business continues to offer at least the same level of benefit to New Zealand, including full time positions created for New Zealand citizens or residents, annual turnover, new exports and/or the introduction of unique products or services to New Zealand or to a particular region; and*

The "benefit to New Zealand" has not changed, as outlined in the initial application the applicant still undertakes to create 2 full time positions for New Zealand Citizens/Residents and significant increase in the annual turnover of the business.

*viii.the applicant continues to meet the fit and proper person requirements set out at BM1.*

The applicant continues to meet the "fit and proper" person requirements.

**INVESTMENT FUNDS:**

s6(c) therefore used funds he held in the United States to pay a deposit on the property and fund operating expenses in the business to improve the condition of the vineyard and property. The applicant has paid:

Deposit on property	s9(2)(a) of the OIA
Vineyard Improvements	
B & B, Café and Amphitheatre	
<b>TOTAL</b>	

We have attached the applicant's US Bank statement to show the transfer of funds to his s9(2)(a) of the OIA in New Zealand before transferring s9(2)(a) of the OIA to pay the deposit on this property; Refer TAB

3.

We have attached a document which outlines the costs incurred in the vineyard improvements, B&B, Café and Amphitheatre building.



Tax invoices from each of the suppliers are attached along with bank statements from the applicant's bank account s9(2)(a) of the OIA to show these invoices being directly paid. Refer TAB 4.

We attach valuations of the properties dated 6 October 2016, obtained when the applicant was completing due diligence on the property, and 17 January 2018, to demonstrate, because of the applicant's investments, the value of the property has increased from s9(2)(a) of the OIA Refer TAB 5.

To demonstrate the funds transferred to New Zealand have been legally earned we attach the applicant's US Tax Return for the 2017 Financial Year confirming total income of s9(2)(a) of the OIA before tax. We also attach the applicant's Partnership Income Return for his business s9(2)(a) of the OIA s9(2)(a) of the OIA for the 2017 financial year showing gross sales of s9(2)(a) of the OIA before tax. The Income Tax documentation can be found at TAB 6.

The funds transferred to New Zealand have been legally earned.

Regarding the applicant transferred funds from his company's bank account in the US, s9(2)(a) of the OIA s9(2)(a) of the OIA. INZ instruction requires funds to be transferred directly from the "holder's bank account to New Zealand". The applicant is the "holder" of s9(2)(a) of the OIA which can be verified in the attached Income Tax Documents and Cheque slip and therefore meets INZ Instructions. This definition is different to the investor visa instructions which require funds to be transferred "directly from the principle applicant's bank account to New Zealand".

#### OTHER CONSIDERATIONS:

As outlined in the applicant's business plan, he intends to establish, open and operate a B&B in a French Style building with 2 units and renovate the existing café/bistro at Waipara Winds Limited.

We attach evidence Colin has secured the required consents from the Hurunui District Council; refer TAB 7.

The applicant has prepared a Profit and Loss Statement for the business from 16 October 2016 to 7<sup>th</sup> November 2017; refer TAB 8. This records a grape contract that he engaged in to generate sales of s9(2)(a) of the OIA. This also records s9(2)(a) of the OIA of operating expenses incurred by the business. Note significant costs have been incurred "repairing" and "maintaining the vines - s9(2)(a) of the OIA was paid to vineyard hands, s9(2)(a) of the OIA outside contractors and s9(2)(a) of the OIA on repairs and maintenance.

We also attach a letter from IRD dated 7 November 2017 which confirms "losses carried forward" totaling s9(2)(a) of the OIA; refer TAB 9.

#### CONCLUSION:

It is clear based on the attached the applicant has taken significant steps to establish his New Zealand business – obtaining OIO approval to purchase the property, obtaining building consent to build/renovate building as part of the proposed business plan and spent considerable funds on the maintenance and operating costs of the business.

The applicant has been s6(c) in the Entrepreneur Work Visa application and has therefore used "other" funds to start establishing his business. These



“other funds” have been legally earned and were transferred to New Zealand through the banking system to pay suppliers.

We seek a change in business proposal to allow the s9(2)(a) of the OIA invested by the applicant to be considered as part of his required investment. The remaining s9(2)(a) of the OIA of funds will be invested s6(c)

We submit this “change in business plan” is minor and should be approved.

We look forward to your review and confirmation of approval.

Yours faithfully

s9(2)(a) of the OIA

Released under the Official Information Act 1982

s9(2)(a)

**From:** Nicholas Robertson <Nicholas.Robertson@mbie.govt.nz>  
**Sent:** Wednesday, June 20, 2018 12:45 PM  
**To:** s9(2)(a) of the OIA  
**Subject:** RE: Entrepreneur Work Visa - Colin Rath s9(2)(a) of the OIA [UNCLASSIFIED]

Hello s9(2)(a) of the OIA

Thank you for your email. Steffan' statement is correct, and the interim will come in to effect from the day the client would become unlawful. If you have any issues with this please let me know.

Kind regards

**Nicholas Robertson**  
Immigration Manager

Immigration Services - Porirua, Immigration New Zealand  
Ministry of Business, Innovation & Employment

[Nicholas.Robertson@mbie.govt.nz](mailto:Nicholas.Robertson@mbie.govt.nz) | Telephone: +64 (04) 896 5702 |  
[www.immigration.govt.nz](http://www.immigration.govt.nz)



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**From:** s9(2)(a) of the OIA  
**Sent:** Monday, 18 June 2018 4:06 p.m.  
**To:** Steffan Christensen  
**Cc:** Nicholas Robertson  
**Subject:** RE: Entrepreneur Work Visa - Colin Rath s9(2)(a) of the OIA [UNCLASSIFIED]

Hī Nicholas

Can you please confirm Steffan's statement is correct, that clients will be issued an interim visa when the change of plan application is lodged?

Regards

s9(2)(a) of the OIA



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**From:** Steffan Christensen <steffan.christensen@mbie.govt.nz>  
**Sent:** Monday, June 18, 2018 2:42 PM  
**To:** s9(2)(a) of the OIA  
**Cc:** Nicholas Robertson <Nicholas.Robertson@mbie.govt.nz>  
**Subject:** RE: Entrepreneur Work Visa - Colin Rath s9(2)(a) of the OIA [UNCLASSIFIED]

Good Day,  
As the Change of Plans is an application, it should generate an Interim visa.  
I have been transferred to a new team, but Nick Robertson will be able to assist you further.

Cheer,

**Steffan Christensen**  
TECHNNICAL ADVISOR  
Visa Services - Porirua, Immigration New Zealand  
Ministry of Business, Innovation & Employment

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[www.immigration.govt.nz](http://www.immigration.govt.nz)



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**From:** s9(2)(a) of the OIA  
**Sent:** Monday, 18 June 2018 2:31 p.m.  
**To:** Steffan Christensen  
**Cc:** Nicholas Robertson  
**Subject:** RE: Entrepreneur Work Visa - Colin Rath s9(2)(a) of the OIA [UNCLASSIFIED]



**From:** s9(2)(a) of the OIA  
**Sent:** Thursday, 31 May 2018 12:15 p.m.  
**To:** Steffan Christensen  
**Subject:** Entrepreneur Work Visa - Colin Rath s9(2)(a) of the OIA

Hi Steffan

I hope that you're well.

The above applicant was granted an Entrepreneur Work Visa on 7 July 2017. The applicant claimed 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
<b>Total points claimed:</b>	<b><u>140</u></b>

The applicant proposed to purchase an existing business trading as Fiddlers Green Vineyard located 244-246 George Road, Waipara, north Canterbury.

The purchase price was NZ\$1,200,000.

The purchase of the property required approval from the Overseas Investment Office (OIO); as such the applicant entered into a lease agreement so that he could commence with his business venture. The Sale and Purchase agreement along with the lease agreement was provide to BMB.

The applicant has now received approval from the Overseas Investment Office (OIO) to purchase this property – see <https://www.linz.govt.nz/overseas-investment/decision-summaries-statistics/2018-01/201720030>. The purchase was also reported on Stuff.co.nz <https://www.stuff.co.nz/business/101873378/manhattan-developer-mariner-buys-north-canterbury-vineyard>

The applicant proposed to benefit New Zealand through the creation of employment and significant increase in the annual turnover of the business – i.e. revitalization. Colin has created and employed two full time New Zealand Citizens.

The applicant nominated s6(c) to meet the capital investment requirements of the Entrepreneur Work Visa category. s6(c) s9(2)(a) of the OIA). The remainder of the purchase price was be paid for by way of mortgage.

I am contacting you as today the applicant has advised me that, although the s6(c)

The applicant has a deadline with vendor of the property to settle the property transaction so is looking to take out finance with against s6(c).

I am contacting you as the applicant's Visa expires in July 2018 and are looking for a solution.

The applicant has invested s6(c) into vineyard improvements and the establishment of a B&B/Café/Ampatheatre to date. These funds came from savings/regular income which the applicant has from the USA.

The applicant has paid s6(c) deposit for the property. This was paid with savings the applicant held in America.

Investment into the business to date approx. s6(c)

We can document the transfer of funds to NZ through the banking system and that funds were legally earned. We can document where the funds have been invested into the vineyard & B&B/Café/Ampatheatre

If we were to lodge an extension of the applicant's Entrepreneur Work Visa documenting the following would you be prepared to make an exception and provide a 1 year extension of the Entrepreneur Work Visa:

1. Evidence the s6(c)
2. Evidence of the Investments made in New Zealand with "other" funds
3. Evidence the 'other' funds were lawfully earned and transferred to NZ through the banking system
4. Evidence of Employment creation
5. Financials of the business
6. Evidence the applicant has secured financial and completed the property transaction

Of course the applicant has undertaken to invest \$500k and to date he has invested s6(c) the remaining s6(c) would be invested into the company s6(c)

An Entrepreneur Work Visa is a temporary Visa so you have discretion to allow "other funds" to be accepted; in this case we believe the applicant has made a contribution and tried to meet all requirements during the start-up Visa however for reasons outside of his hands has not been able to. We therefore hope some level of discretion can be applied.

I look forward to your comments.

Regards

s9(2)(a)



**MALCOLM PACIFIC IMMIGRATION**  
Trust · Integrity · Service

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

s9(2)(a)

Website: [www.malcolmpacific.com](http://www.malcolmpacific.com)

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Released under the Official Information Act 1982

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

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 EWV "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?

We have granted s9(2)(a) s9(2)(a) The travel conditions of their temporary visa(s) are the same as the travel conditions of your work visa.

## 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](http://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 [newmigrantinfo@mbie.govt.nz](mailto:newmigrantinfo@mbie.govt.nz).
- See [www.newzealandnow.govt.nz/local](http://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](http://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](http://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.

s9(2)(a) of the OIA

Yours sincerely

s9(2)(a) of the OIA

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

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

Nationality:

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.

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?**

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](http://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>.

See [www.immigration.govt.nz/search](http://www.immigration.govt.nz/search) for answers to frequently asked questions or to send an enquiry to INZ, or call our Immigration Contact Centre on +64 9 914 4100 from outside New Zealand, 09 914 4100 from Auckland, or 0508 55 88 55 from the rest of New Zealand.

### **Do you need information about living and working in New Zealand, or information to help prepare your move to New Zealand?**

- To learn more about living and working in New Zealand go to: [www.newzealandnow.govt.nz](http://www.newzealandnow.govt.nz)
- 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>



**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

Released under the Official Information Act 1982

#### **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.

EWV/LTBV  
Category – Renewal

IMMIGRATION  
NEW ZEALAND



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

Entrepreneur Work Application Number: s9(2)(a) of the OIA

**Applicant:**

PA - Colin Rath

**Date of birth:**

s9(2)(a)

Out of scope

s9(2)(a)

Lodged: 02/06/2020

Adviser: Malcolm Pacific - s9(2)(a)

Documents Provided YES

Birth certificates: Y

Passports: Y

Medical certificates: Y

PC: Y

NZPC: N

NSC: N/A

IELTS: Previously submitted

**Health**

Medicals sighted as follows:

s9(2)(a) of the OIA

*I am satisfied that the applicants meet health requirements as per immigration instructions A4 instructions (BB4.10(c)(vi)).*

**Character**

Sighted are the following documents:

s9(2)(a)

# s9(2)(a)

These charges were therefore not considered to come under A5.25. I agree that these charges do not come under A5.25. As no new charges or convictions have occurred since the original charges <sup>s9(2)(a) of the OIA</sup> I continue to remain satisfied that the client does not come under A5.15, A5.20 or A5.25 and that the client continues to meet the character requirements.

NZPC: Not required.

# s9(2)(a) of the OIA

As the PA <sup>s9(2)(a)</sup> not been in NZ for more than 5 years, no NZPC has been requested.

Applicants have declared charges but these do not come under any of the provisions that require a character waiver or mean that any of the applicants will not meet character requirements.

*I am satisfied that applicants meet character as per A5.1 and BB2.1 instructions (BB4.10(c)(vi))*

### **English Language ability**

The applicant has an English speaking background. I am satisfied that the applicant continues to meet the requirements at BH2.10.

### **Background**

Original EWV "start-up" application was approved (**BB2.1**) on 07/07/2017. A EWV "balance extension of 3 year period" (**BB4**) was granted on 01/08/2018 and a balance of the 3 year period was granted on 22/01/2019.

AMS shows that the PA is currently IN.

PA arrived in NZ on a work visa on 21/07/2017, <sup>s9(2)(a)</sup>

PA's work visa expires on 25/09/2020 in accordance with the Covid interim visa extensions.

The PA has not already had a renewal of their LTBV/EWV and is therefore eligible for this renewal.



The PA requires a further visa to continue operating the business and meet the requirements of the Entrepreneur Residence Category.

The prescribed fee was paid on 02/06/2020 (**BB4.10(b)**).

**Assessment (BB)**

**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:*

*◦to finance their business; and*

*◦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.*


*Effective 10/11/2016*

The PA has requires further time to meet the Entrepreneur Residence requirements because the business has not met the revenue targets delaying the progression of the business.

*I am satisfied that there is a valid reason 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 (**BB4.10(a)**).*

The Company Waipara Winds Limited was established on 07/11/2016 in Wairarapa. The company is engaged in growing wine, running a bread and breakfast and a café and bar with PA as the 100% shareholder and the sole director.

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

Relevant information:

This proposal relates to a business revitalisation. At the time of purchase the business had no employees and the following financial metrics as at 31/03/2017;

**s9(2)(a)**

It is the applicant's intention to benefit New Zealand through the creation of employment of one FTE and to significantly increase the annual turnover of the business. Interestingly the capital investment section only mentions \$500,000 for the purchase of vineyards.

Capital Investment background

**s6(c)**

The purchase of 244-266 Georges Road, Waipara, Canterbury was undertaken via two loans of **s9(2)(a) of the OIA** on 28/06/2018. The balance application shows that capital improvements of **s9(2)(a) of the OIA** around June **s6(c)** the nominated funds deriving from this could be used. This amount was ETI'ed as it was determined that the PA was reasonably wealthy and held significant further funds and that an ETI was therefore more appropriate in the circumstances than to process a change of plan. **s9(2)(a) of the OIA** capital investment is required for this area to be satisfied at residence. **s6(c)** were placed on loan. As such I am satisfied investment has been made as outlined in the original proposal.

The applicant has provided the following documents with the application:

The financial forecasts as indicated in the business plan submitted with the previous LTBV application have not been met. Financial records (not financial statements) provided indicate the following.

Actual	Revenue	Gross Margin	Salaries	Net Profit (before tax)
--------	---------	--------------	----------	-------------------------

**s9(2)(a)**

# s9(2)(a)

This amounts to s9(2)(a) of the OIA having been transferred from s9(2)(a) of the OIA. Based on this circumstantial evidence it is reasonable to assume funds will continue to be transferred going forward. Based on the information provided revenue is already significantly greater than it was at the time the PA took over this business. However there is still a significant way to go at this time. The PA does appear to have access to a regular source of funds to assist should this be required. Taking this into account I believe it is possible for the PA to realise all benefits as claimed in the original business plan.

*I am satisfied any time spend in New Zealand was spent setting up and operating the original business proposal (BB4.10(c)(i)).*

*The type and nature of the business established is as originally proposed, no change of plan has been lodged (BB4.10(c)(ii)).*

*I am satisfied the applicant will spend the further period in New Zealand implementing the original proposed business (BB4.10(c)(iii)).*

No additional investment is now proposed.

The PA has provided evidence of ongoing income stream of s9(2)(a) of the OIA minimum to show their maintenance funds.

*I am satisfied the applicant has sufficient funds to finance their business and their family maintenance costs (BB4.10(c)(iv)).*

*I am satisfied that the applicants have not drawn on the New Zealand welfare system (BB4.10v.)*

## **Fit and Proper**

From the business documents provided, there is no indication the 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, the applicant does not appear to be under investigation by the Serious Fraud Office or NZ police for offences arising or resulting from any business dealings. There is no recent conviction record for the PA as per Police Certificate supplied particularly for offenses involving dishonesty in NZ or other foreign countries. There is no indication the PA has been involved in business fraud or financial impropriety.

*I am satisfied the applicant continues to meet the fit and proper person requirement as set out at BM1 (BB4.10(c)(vii))*

*I am satisfied the applicants partner meets the definition of a partner as per E4.1.20*

*I am satisfied the dependent child meets the definition of a dependent child as per E4.1.10*

*I am satisfied the principal applicant and any partner or dependent child/ren accompanying them meet health and character requirements for residence (see A4 and A5); (BB4.10(c)(vi))*



s6(c) of the OIA

I am satisfied that the identity is recorded correctly in AMS and that the risk has been mitigated with regards to identity.

***E7.5 - Risk and Verification***

s6(c) of the OIA

I am satisfied all the potential risks have been mitigated in the assessment and verification process.

**Decision:**

**APPROVE further work visas to PA to 07/07/2023** i.e. 6 years from the date of issue of the original LTBV label.

s9(2)(a)

s9(2)(a) of the OIA

s9(2)(a) of the OIA

Signed:  
Business  
Date:

[Redacted Signature]

Business Specialist

4/8/2020

2PC:

[Redacted 2PC]

Date:

Charlene Gong  
Technical Advisor

12/8/20

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Inland Revenue  
Te Tari Taake

ird.govt.nz

NEW YORK GRAPE ESCAPE LIMITED  
246 GEORGES ROAD  
RD 2 AMBERLEY 7482

s9(2)(a) of the OIA

Dear Sir/Madam

**Request for approval to remove NEW YORK GRAPE ESCAPE LIMITED  
from the Company Register**

We've reviewed your request to remove NEW YORK GRAPE ESCAPE LIMITED from the New Zealand Company Register. We have no objection to the Company being removed.

Include a copy of this letter when you apply to the Companies Office to have the Company removed from the Company Register.

Let us know when your Company has been removed so we can cancel the Company registration and accounts in our records.

Yours sincerely,

*Richard Philp*

Customer Segment Lead

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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.

s9(2)(a) of the OIA

s9(2)(a) of the OIA



s9(2)(a)

I thank you

s9(2)(a) of the OIA

Colin Rath

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**Robert de Bique**

**From:** s9(2)(a) of the OIA  
**Sent:** Thursday, 23 July 2020 2:35 p.m.  
**To:** Robert de Bique  
**Subject:** Entrepreneur Renewal Application - Colin Rath Application s9(2)(a) of the OIA  
**Attachments:** s9(2)(a) of the OIA

Dear Robert,

Further to my email on 21 July, you now have copies of the documentation provided to INZ which demonstrate the applicant invested nominated funds into the establishment of the proposed business. Specifically:

- Deposit on property
- Payment towards Mortgage
- Vineyard Improvements
- B & B, Café and Amphitheatre

**TOTAL**

I have asked for a Depreciation Schedules for the first year or a Fixed Asset Schedule. I have previously provided a Profit + Loss and Balance Sheet for Waipara Winds Limited; the Balance sheet confirms "Long Term Assets" – this information is taken from the applicant's accounting software; s9(2)(a) of the OIA I appreciate you may want to verify this information, therefore we have attached an IRD Income Tax Return for the business; page list lists Fixed Assets totaling s9(2)(a)

Secondly, you have asked for evidence the applicant has sufficient maintenance funds for the next three years.

The applicant owns a rental property s9(2)(a) of the OIA; this provides income of s9(2)(a) of the OIA. The current lease agreement s9(2)(a) of the OIA of the attached document. The rental agreement will be re-negotiated and extended in s9(2)(a) of the OIA.

You will note the owner of the property in the attached lease agreement is s9(2)(a) of the OIA. Colin s9(2)(a) s9(2)(a) 50% owners of s9(2)(a) of the OIA. See the attached Operating Agreement.

The rental income from this property, alongside revenue generated from the applicant's business, will provide more than enough maintenance funds for the duration of the visa.

I hope this is sufficient to meet your requirements and the visa can now be approved.

Thank you for your patience Robert,

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](http://www.malcolmpacific.com)

**NOTICE:**

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**WAIPARA WINDS LIMITED (6153095) Registered***To maintain this company [log on here](#)**Last updated on 17 Aug 2019*

Company Summary    Addresses    Directors (1)    Shareholdings (1)    Documents (9)    PPSR Search

NZBN  
 Company number: 6153095  
 NZBN: 9429043413232

Incorporation Date: 07 Nov 2016

Company Status: Registered

Entity type: NZ Limited Company

Constitution filed: [Yes](#)

AR filing month: August , last filed on [17 Aug 2019](#)

[Annual return extract](#)

Ultimate holding

company

Company addresses: **Registered Office**

246 Georges Road, Rd1, Amberley,  
 7828 , New Zealand

**Address for service**

246 Georges Road, Rd1, Amberley,  
 7828 , New Zealand

[View all addresses](#)

Directors

Showing 1 of 1 directors

Colin David RATH

246 Georges Road, Rd 2,  
 Amberley, 7828 , New Zealand

Company record link: <http://app.companiesoffice.govt.nz/co/6153095>

Additional NZBN Information

Trading Name Fiddler's Green Vineyard

(s): & Bistro

Phone +64 3 3147879

Number(s):

Email Address [colin@waiparawinds.co.nz](mailto:colin@waiparawinds.co.nz)

(es):

Website(s): No website

Industry A013110 Grape growing

Classification

(s):

[View all NZBN details](#)

Generated on Monday, 20 July 2020 08:53:47 NZST

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03 314 7679

Contact Us

- [Home](#)
- [The Bistro](#)
- [Wine Tasting](#)
- [Accolades](#)
- [Freedom Camping](#)
- [Our Vineyard](#)
- [Events](#)
- [Reviews](#)

WELCOME TO

# Fiddler's Green Vineyard & Bistro

We welcome you to Waipara Valley to enjoy our vineyard, a glass of wine with family and friends, dine in a comfortable elegant setting overlooking the vines to celebrate life, family, birthdays, anniversaries and weddings or just because you can.

[The Bistro](#)

[Wine Tasting](#)

[Our Events](#)

## Our History

Falaise & Lt. Commander Sydney John Hales R.N. settled & named Fiddler's Green in 1981. Barry & Jennie Johns established the renowned wine vineyard a decade later winning multiple international awards. After a worldwide search at sea for two years, [the Rath family sailed into New Zealand in 2016 to find & restore the property to an organic vineyard & bistro.](#)



Fiddler's Green is in 19th-century maritime folklore describing a kind of hereafter for sailors, where there is perpetual mirth, a fiddle that never stops playing, the wine never stops flowing and dancers never tire.

Fiddler's Green lore states "a sailor can find this paradisiacal land by walking inland with an oar over his shoulder until he finds a place where people ask him what he's carrying." Fiddler's Green is where the Rath family has found their heaven on earth to produce fine wines & dining for sailors and land lovers alike.

## Our Events

nce"

id the food selection  
osts were so genuine  
d Fiddlers Green and  
ddition to North

"Weekend Exploration Hidden Gem"


Opposite the Flash Waipara Hills is s road that leads to Fiddlers Green. You should go! Small and intimate family-run and well worth the trip. Great Food. Fabulous service. And many wines. Very affordable and a highlight of our weekend away. Wine tastings throughout the meal with 5 different wines. Can not recommend Fiddlers Green more highly. Truely a hidden gem.

"Great fi

Thanks so much  
kid's area. It w



alanmcgrathnz

 Follow us on Facebook

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Released under the Official Information Act 1982

## Contact us

03 314 7679

Fiddler's Green Vineyard & Bistro  
244-246 Georges Road, RD2  
Waipara, NZ 7482

Name \*

Email \*

Message \*

Your message

CAPTCHA



I'm not a robot

reCAPTCHA  
Privacy Terms

Send Message

Fiddler's Green Vineyard & Bis...

246 Georges Road, Glasnevin 7482

Directions

4.7

40 reviews

View larger map



Google

Map data ©2020 MapData Sciences Pty Ltd. PSI

# Fiddler's Green Vineyard/Bistro

## Waipara

No warnings in place

Today	Tue	Wed
20 Jul	21 Jul	22 Jul
17° - 8°	16° - 4°	11° - 3°

03 314 7679

Contact Us

### Navigation

Home

The Bistro

Wine Tasting

BNB

Our Vineyard

Events

Reviews

### Follow us



1 July 2020  
Immigration New Zealand  
Wellington

Dear Sir/Madam

I understand that you require an explanation of how I will relist the benefits claimed in my Entrepreneur Work Visa business plan including revenues, profits and employment levels along with potential impacts of Covid19.

I will outline details below:

Employment:

In the first financial year (1 July 2018 to 30 June 2019) will employ two-full time permanent employees to work on the vineyard.

I have maintained more than 2 full time employees from 1 July 2018 to present.

Current NZ verified citizens employees are:

s9(2)(a) of the OIA

Current Work Visa Employees:

s9(2)(a) of the OIA

Previous employees:

s9(2)(a) of the OIA

Acc Payroll Document attached:

## Turnover of Business

I undertook to revitalise an existing business by significant increase in the annual turnover. As at

31 March 2017 the financials of Fiddlers Green were:

- Total Income s9(2)(a) of the OIA
- Total Cost of Sales s9(2)(a) of the OIA
- Gross Profit s9(2)(a) of the OIA
- Total Operating Expenses s9(2)(a) of the OIA
- Net Profit s9(2)(a) of the OIA

Year 1 (1 July 2018 to 30 June 2019) forecasted Total Revenue s9(2)(a) of the OIA Total Expenses (excluding Depreciation): s9(2)(a) of the OIA Net Profit (before Depreciation): s9(2)(a) of the OIA

Profit and Loss statement Year 1: Total Income s9(2)(a) of the OIA; Total Expenses: s9(2)(a) of the OIA; Net Profit s9(2)(a) of the OIA

Year 2 Profit and Loss Statement is still being finalized. However the financial performance of the business exceeds the forecasts made in the Entrepreneur Work Visa application.

Potential impacts of Covid19.

Waipara Winds plans on Handling the Potential Impact of Covid 19 through increased Marketing and Diversity.

### 1) Fiddler's Green Bistro

A. We have hired a New Chef (<https://www.fiddlersgreen.nz/the-bistro/>)

That we had been working with during isolation to fine tune the menu and lower the price point to retain and build our local client base. We have a good following and will expand to do more business functions and weddings & holiday parties at a lower price point, but expanded volume.

B Advertising –

i. Print media advertising in Press & Christchurch Star, Cuisine Magazine, Dish Magazine, as well as Northern Canterbury regularly to maintain our local presence and build the Christchurch customer base

ii. Radio , I have maintained a weekly interview on updated at the Bistro & Vineyard during Isolation and will continue to do weekly interview as well as our advertising on radio on Compass FM. We also run ads on Compass FM & The Coast in Christchurch

iii. Radio- I initiated a half hour weekly Raido show to be every Saturday at 10 am called Why Waipara to promote events, wines & great Restaurants in the valley to audience of Canterbury & Christchurch,. I am coordinating it

with s9(2)(a) & multiple businesses in Waipara to eventually bring in advertising revenue and wider appeal  
iv. Facebook , we have continued to build our base ,now over 1800 followers, and are expanding with daily updates on Instagram & Facebook

2) Fiddler's Green Vineyard

A.. We have 35.6 tons of Grapes to be made into 8 separate wine types for a total 50,000 bottles. We are establishing our distribution with John Davies of Christchurch. Ascott Wines in Italy , Imperial Beverages in Chicago, USA. And a few others in the USA, China & Europe

B. We are inviting multiple wine brokers, distributors from Christchurch & surrounding area out to our Bistro for tasting when our wine is bottles in end of July & Late November when the reds are bottled to develop relationships & distribution channels locally

C. We are in negotiations to be the official wine of American Magic the USA contender for the America's Cup, working with Scott McCloud of America Magic. The first event is 17 - 20 December, 2020, we will be going up there to present our wines and set up for the events to follow up to the Race for the Cup 20<sup>th</sup> March 2021

D .We are pruning and preparing the vineyard for Vintage 2021 to be harvested next March 2021

E. We are also participating in Pinot Noir 2021 in Christchurch to showcase our Pinot Noir Reserve. (Stored 7 months in French Oak Barrels & then 3 months in Jack Daniels Barrels). Our 219 Reserve retails at \$65 a bottle and has almost sold out.

3) Hemp

a. We have planted lucern in the 10 hectares to put more nitrogen in the soil so that this year's planting in October will be more productive. Harvest should be in January 2021 estimated Gross profit \$80,000

4) Olive Oil

a. We are harvesting the olive oil from our 90 olive trees on the vineyard in May and will continue to use it in the bistro with complementary bread and sell it at \$40 a bottle, estimate production is 260 Litres of Olive oil

We believe these actions and more continued customer base development will see Waipara Winds through these difficult times and be able to expand further as the world reopens.

s9(2)(a) of the OIA

Thank you  
Colin Rath

s9(2)(a)

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

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

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 (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-Bique@mbie.govt.nz](mailto:Robert.De-Bique@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 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

s9(2)(a) of the OIA

Robert de Bique  
Business Immigration Specialist  
Immigration New Zealand

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**Immigration New Zealand**

08/Jun/2020

12:19 PM

Tax Invoice GST Registration Number: s9(2)(a) of the OIA

Office: Wellington Business Unit

Receipt Number s9(2)(a)

**Payment Details**

Fee Type : Application fee + Immigration levy  
Applicant : RATH, COLIN DAVID  
Applicant Address : .  
Application Type : Visa, Work, Work to Residence, Entrepreneur Work Visa (Renewal)  
Application Number : s9(2)(a) of the OIA  
Nett Fee Paid : 2878.26 NZD (s)  
Nett Levy Paid : 47.83 NZD (s)  
GST : 438.91 NZD (s)  
TOTAL Amount Paid : 3365.00 NZD (s)  
Paid By : RATH, COLIN DAVID  
Paid Using : s9(2)(a) of the OIA

--- IMMIGRATION NEW ZEALAND ---

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## MALCOLM PACIFIC IMMIGRATION

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email: akld@malcolmpacific.com  
www.malcolmpacific.com

26 May 2020

### BY OVERNIGHT COURIER

Business Migration Team  
Immigration New Zealand  
7 Heriot Drive  
PORIRUA 5022

Dear Sir/Madam

Entrepreneur Work Visa – Renewal - Colin David Rath - Client No

s9(2)(a) of the OIA

The above applicant is the holder of an Entrepreneur Work Visa valid until 7 July 2020. s9(2)(a) of the OIA

The Entrepreneur Work Visa issued to the applicant allows him to work as a self-employed businessperson in North Canterbury for Waipara Winds Ltd (vineyard).

The applicant is requesting a further 3-year Entrepreneur Work Visa to allow him to remain in New Zealand legally, continue operating his business, and apply for a Residence class Visa.

This application is lodged in accordance with Instruction ***BB4.10 – Grant of further Entrepreneur Work Visas beyond three years.***

### ELIGIBILITY FOR VISA:

Immigration New Zealand outline the requirements for a further Entrepreneur Work Visa to be approved. This includes:

1. any time in New Zealand has been spent setting up and operating the original business proposal;

The applicant proposed to purchase an existing business trading as Fiddlers Green Vineyard located 244-246 George Road, Waipara, north Canterbury.

An Entrepreneur “startup” Work Visa was issued on 7 July 2017 to allow the applicant to purchase the vineyard and be self-employed.

A Sale and Purchase agreement for this property was provided to INZ with the Entrepreneur Work Visa application. This agreement confirmed the purchase price of NZ\$1,200,000 subject to Immigration and Overseas Investment Office (OIO) approval.

While the OIO and Immigration applications were being assessed the applicant had an agreement to lease the property from the vendors; specific purpose work visas were issued to allow the applicant to lease the property.



The applicant was granted approval by the Overseas Investment Office to purchase the property on 19 January 2018.

There was a delay in the actual purchase of the vineyard due to the OIO process – OIO decision **19 January 2018**. The applicant finalized the purchase after receiving OIO approval; s6(c)

Year 1 of the business, for the future Entrepreneur Residence Visa Application, commenced 1 June 2018 to 31 May 2019; year 2, 1 June 2019 to 31 May 2020.

The applicant will apply for Residence under the Entrepreneur Residence Visa category after 30 June 2020. So, an extension of his work Visa is necessary.

As evidence of the applicant's business activities we attach:

- Company Registration Documentation
- Profit and Loss Statement from 1 June 2018 to 31 May 2019.
- Individual employment Agreements for positions which the applicant has generated within the business

The applicant has already documented to INZ, for the grant of the Entrepreneur Work Visa applications, that he had invested the required NZ\$500,000 into the business. This is detailed below:

- Deposit on property
- Payment towards Mortgage
- Vineyard Improvements
- B & B, Café and Amphitheatre

**TOTAL**

s9(2)(a)

2. any change to the original business proposal was granted by a business immigration specialist in accordance with BB5; and

There are no changes to the original business plan.

The applicant intended to purchase a vineyard, create at least 3 full time positions and significantly increase in the annual turnover of the business.

The attached employment agreements confirm the applicant has created employment for New Zealand Citizens/Residents. NOTE: At the time the business was purchased, the company did not have any employees.

The total income of the business in the financial year 31 March 2017, prior to the applicant entering into an agreement for Sale and Purchase, was s9(2)(a) of the OIA. The attached Profit and Loss Statement for the period 1 June 2018 to 31 May 2019 was s9(2)(a) of the OIA. This demonstrate the applicant has significantly increased turnover.



3. 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

The applicant will be remaining in New Zealand operating his business.

4. the principal applicant has, in addition to investment capital, sufficient funds:
  - a. to finance their business; and
  - b. for their own maintenance and accommodation and that of any partner or dependent child/ren accompanying them; and

The applicant has enough funds to support himself and the business.

5. 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

The applicant and family have not drawn on the New Zealand welfare system. Attached is a letter from the applicant which confirms.

6. the principal applicant and any partner or dependent child/ren accompanying them meet health and character requirements for residence (see A4 and A5); and

New medical and X-ray certificates have been completed by the applicant and family. Details below:

s9(2)(a) of the OIA

FBI Police Certificates are attached for the applicant's.

s9(2)(a)

These were declared in the original Entrepreneur Work Visa application and a character waiver approved. If further submissions are required on this matter, please advise.

7. the applicant continues to meet fit and proper person requirements set out at BM1.

The applicant continues to meet the fit and proper person requirements.



## CONCLUSION

The applicant has successfully established his business in New Zealand, a fully documented Residence Visa application will be lodged with Immigration New Zealand at the conclusion of the current financial year; after 31 May 2020.

The applicant requests the grant of a further 3-year Entrepreneur Work Visa so that he can continue to own and operate his business in New Zealand.

## ATTACHMENTS:

- INZ1222 Entrepreneur Work Via Application Form
- Certified copies of Passport
- Birth Certificates – s9(2)(a)
- Relationship Evidence
- eMedical information Sheets
- FBI Police Certificates
- Confirmation applicant has not drawn on the welfare system in New Zealand
- Profit and Loss Statement

Yours faithfully

s9(2)(a) of the OIA

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May 2019

INZ 1222



s9(2)(a) of the OIA

# 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](http://www.iaa.govt.nz) or email [info@iaa.govt.nz](mailto: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](http://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

All 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



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

A2 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)

A7 Town/city of birth

s9(2)(a) of the OIA

Country of birth

s9(2)(a)

A8 Passport details

Number s9(2)(a)

Country s9(2)(a)

Expiry date s9(2)(a)

A9 Other citizenships currently held

s9(2)(a) of the OIA

A10 Partnership status  Single  Separated  Partner/De facto  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

s9(2)(a)

Fax

Email COLIN@WAIPARAWINDS.CO.NZ

B2 Address in your home country (if different from above)

s9(2)(a)

**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

LEVEL 5, 2 KITCHENER STREET, AUCKLAND 1010.

New Zealand Business Number (if applicable) 9 4 2 9 0 3 8 8 5 8 9 5 6 For help search: [www.nzbn.govt.nz](http://www.nzbn.govt.nz)

Telephone (daytime) s9(2)(a)

Telephone (evening) s9(2)(a)

Fax s9(2)(a)

Email s9(2)(a)

**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](http://www.immigration.govt.nz/advice).

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

No

**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 (e.g. single, married, partner/de facto, etc.)	Country of residence
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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 (e.g. single, married, partner/de facto, etc.)	Country of residence
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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 (e.g. single, married, partner/de facto, etc.)	Country of residence	Does the person intend to migrate with you? (Y/N)
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s9(2)(a) of the OIA

Section D Partner's personal details

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

s6(c), s9(2)(a)

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)

D3 Other names your partner is known by or has ever been known by

s9(2)(a)

D4 Partner's name in ethnic script

N/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 s9(2)(a)



**F32** Child's passport details

Number  Country  Expiry date

**F33** Other citizenships child holds

**F34** Partnership status  Single  Separated  Partner/De facto  Divorced  
 Married/in civil union  Engaged  Widowed

**F35** Does this child have children of his/her own  Yes  No

**F36** Is your child applying for a student or visitor visa?  Student  Visitor

**F37** 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.

Name of applicant or family member

Name of country

Date of arrival  Date of departure

Name of applicant or family member

Name of country

Date of arrival  Date of departure

Name of applicant or family member

Name of country

Date of arrival  Date of departure

Name of applicant or family member

Name of country

Date of arrival  Date of departure

Name of applicant or family member

Name of country

Date of arrival  Date of departure

**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, excluding 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) of the OIA**

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## 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

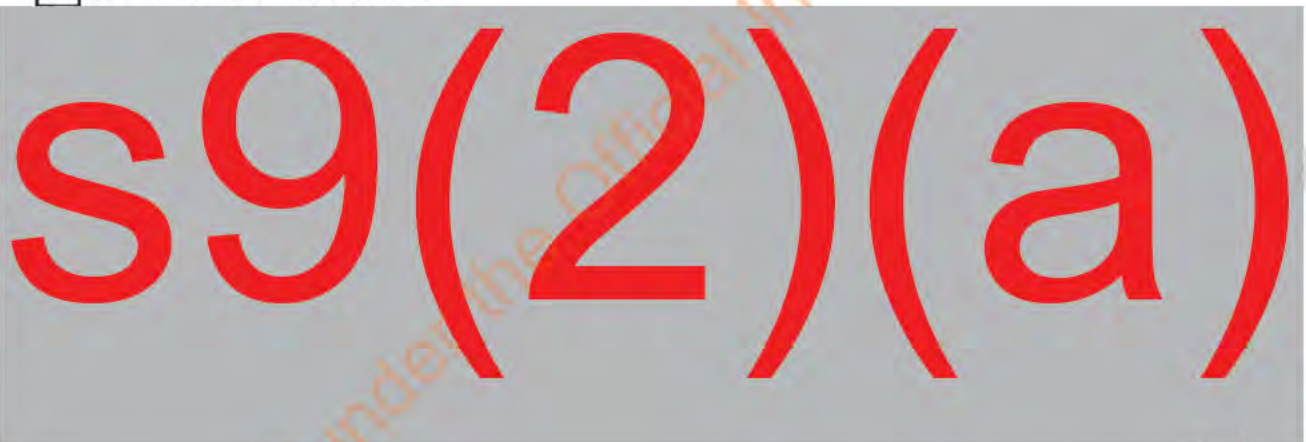
H3 Have you ever been involved in business fraud or financial impropriety?

Yes (provide details)  No

## Section I Health requirements

I1 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?

Yes Provide details in the table below



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  I2.

I2 Do you or any person included in this application have tuberculosis (TB)?

Yes  No

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 Completion 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.

s9(2)(a)

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

s9(2)(a)

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: SEE ATTACHED SUBMISSIONS FOR NZER NUMBERS

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

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.

Do you meet the minimum standard of English language?

Yes Provide evidence of your English language ability.

No

s9(2)(a) of the OIA

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s9(2)(a) of the OIA

## 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) _____           |   |   |

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

WAIPARA - NORTH CANTERBURY

**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\$ **s9(2)(a) of the OIA**

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

Yes  No

If yes, provide details (including dates):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:

WAIPARA WINDS LIMITED - TRADING AS FIDDLER'S GREEN VINEYARD AND BISTRO

New Zealand Business Number (if applicable) 9 4 2 9 0 4 3 4 1 3 2 3 2 For help search: [www.nzbn.govt.nz](http://www.nzbn.govt.nz)

Address 244-246 GEORGES ROAD, RD2 WAIPARA NEW ZEALAND 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
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N/A

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:

N/A

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. \_\_\_\_\_

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 \$):

\_\_\_\_\_

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

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

Method	Value (NZ\$)	Evidence attached
<input type="checkbox"/> Earned		
<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:

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**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:

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

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**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 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
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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:

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**N3** Provide details of the companies listed above:

Company name	Industry sector	Main products/ services	Annual turnover	Number of employees
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Attach evidence of your business sector, turnover and number of employees. List the documents provided as evidence:

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

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

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

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**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 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
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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**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:

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**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:

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**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 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 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 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:

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**TOTAL POINTS CLAIMED**

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

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**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

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**02** 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 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 type="checkbox"/>	ii. copies of any documents needed to show that you are able to operate this business in New Zealand
<input type="checkbox"/>	iii. details of your intended involvement/role in the proposed business
<input type="checkbox"/>	iv. outline of the proposed ownership structure of the business: Sole trader/ Partnership/ Limited liability company/ Subsidiary of overseas company/ Other
<input type="checkbox"/>	v. a SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis of the proposed business
<input 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 type="checkbox"/>	vii. an outline of any contact made or advice sought from relevant trade associations in New Zealand
<input type="checkbox"/>	viii. summary of any professional advice regarding the establishment of the business
<input 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 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 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 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 type="checkbox"/>	xiii. outline of what you expect the business to achieve in its first three years
<input 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 type="checkbox"/>	xv. detailed financial information and financial forecasts, as outlined in Section P
<input 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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**P2** What level of capital will you bring into the business?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**P3** List other investors and their capital investment, if applicable.


**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):			
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)			

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Section Q Declaration

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 Entrepreneur Work 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.

Should my application be 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 aforementioned evaluation.

Signature of principal applicant **s9(2)(a) of the OIA** **SIGN HERE** Date 04.03.2020

Signature of partner **s9(2)(a) of the OIA** **SIGN HERE** Date 04.03.2020

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

Dependent child one over 18 years of age **s9(2)(a) of the OIA** Date 04.03.2020

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.

s9(2)(a) of the OIA

**Section S** 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 license, 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](http://www.iaa.govt.nz), via email [info@iaa.govt.nz](mailto: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

New Zealand Business Number (if applicable)  For help search: [www.nzbn.govt.nz](http://www.nzbn.govt.nz)

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 in another way. Specify \_\_\_\_\_
- I have **provided immigration advice** (as defined in the Immigration Advisers Licensing Act 2007) and my details in Section R: Immigration adviser's details are correct.

Signature of person assisting **s9(2)(a) of the OIA** Date 22052020

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### 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 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*.	<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.	<input 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 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 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"/>
<input type="checkbox"/>	I have attached evidence to support claims in sections K, L, M (if applicable) and N.	<input 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 checked="" type="checkbox"/>
<input type="checkbox"/>	I have attached passport(s) or certificate(s) of identity*.	<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. <i>Provide this evidence only if you have not provided it before.</i>	<input checked="" 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 checked="" 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 checked="" 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 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*.	<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. <i>Provide this evidence only if you have not provided it before.</i>	<input checked="" 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 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"/>

### Returning your documents

Please return documents to me by secure post at the address given at:

- B1
- B2
- B3

### 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 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 type="checkbox"/>

Please send your completed application to:  
 Immigration New Zealand  
 PO Box 50728  
 Porirua 5240  
 New Zealand

\*While you can provide a certified copy of your passport with your application, we highly recommend you provide your original passport. This will enable us to process your application faster and it may be needed to complete your application. Please note during the processing of an application an immigration officer may request any document, including your original passport.

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New Zealand Government

# WAIPARA WINDS LIMITED (6153095) Registered

To maintain this company [log on here](#)

Last updated on 17 Aug 2019

## Company Summary

Company number: 6153095  
NZBN: 9429043413232  
Incorporation Date: 07 Nov 2016  
Company Status: Registered  
Entity type: NZ Limited Company  
Constitution filed: [Yes](#)  
AR filing month: August , last filed on [17 Aug 2019](#)

[Ultimate holding company](#) No

[Company addresses:](#) Registered Office  
246 Georges Road, Rd1, Amberley,  
7828 , New Zealand  
Address for service  
246 Georges Road, Rd1, Amberley,  
7828 , New Zealand  
[View all addresses](#)

[Directors](#) Showing 1 of 1 directors  
Colin David RATH  
246 Georges Road, Rd 2,  
Amberley, 7828 , New Zealand

Company record link: <http://app.companiesoffice.govt.nz/co/6153095>

## Additional NZBN Information

Trading Name(s): Fiddler's Green Vineyard & Bistro

Phone Number(s): +64 3 3147879

Email Address(es): [colin@waiparawinds.co.nz](mailto:colin@waiparawinds.co.nz)

Website(s): No website

Industry Classification(s): A013110 Grape growing

[View all NZBN details](#)

## Directors (1)

Full legal name: Colin David RATH

Residential Address: 246 Georges Road, Rd 2, Amberley, 7828 , New Zealand

Appointment Date: 07 Nov 2016

Shareholder: [Yes](#)

Consent: [View Consent Form](#)

## Shareholdings (1)

Total Number of Shares: 1200

Extensive Shareholding: No

## Shareholders in Allocation:

Allocation 1: 1200 shares (100.00%)

Colin David RATH  
246 Georges Road, Rd1, Amberley,  
7828 , New Zealand

Director: [Yes](#)

## Addresses

Registered office address: 246 Georges Road, Rd1, Amberley, 7828 , New Zealand

Address for service: 246 Georges Road, Rd1, Amberley, 7828 , New Zealand

Website: No website

[Historic data for addresses](#)

[Show History](#)

## PPSR Search

A search can be conducted for WAIPARA WINDS LIMITED on the Personal Property Securities Register by selecting this [link](#).

## NZBN

GST Number(s): No website

## Contact Details

Website(s): No website No website

Phone Number(s): +64 3 3147879  
No website

Email Address(es): [colin@waiparawinds.co.nz](mailto:colin@waiparawinds.co.nz) No website

Office Address: No website

Delivery Address: No website

Postal Address: No website

Invoice Address: No website

## Trading Details

Trading Name(s): Fiddler's Green Vineyard & Bistro  
No website

Trading Area(s): No website

Industry Classification(s): A013110 Grape growing  
No website

Australian Business Number (ABN): No website

## Documents (9)

<a href="#">Date</a>	<a href="#">Document Type</a>	<a href="#">Size</a>
17 Aug 2019 10:55	<a href="#">Annual Return Filed</a>	
11 Sep 2018 16:20	<a href="#">Annual Return Filed</a>	
11 Sep 2018 16:17	<a href="#">Particulars of Director</a>	
08 Aug 2017 12:37	<a href="#">Annual Return Filed</a>	
16 Nov 2016 10:41	<a href="#">Particulars of Company Address</a>	
07 Nov 2016 09:25	<a href="#">New Company Incorporation</a>	
07 Nov 2016 09:25	<a href="#">Adoption Of Constitution</a>	
	<a href="#">Constitution</a>	165kb
07 Nov 2016 09:25	<a href="#">Director Consent Form</a>	
	<a href="#">Director Consent Form</a>	58kb
07 Nov 2016 09:25	<a href="#">Shareholder Consent Form</a>	
	<a href="#">Shareholder Consent Form</a>	65kb

Generated on Tuesday, 26 May 2020 13:19:32 NZST

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

03 February 2021

Colin Rath

s9(2)(a)

Malcom Pacific Auckland Limited  
Level 5  
2 Kitchener Street  
Auckland 1010  
New Zealand

Dear Colin Rath

#### Application for a resident visa for:

**Applicant:**

Colin David Rath

**Date of birth:**

Out of scope

s9(2)(a)

Out of scope

s9(2)(a)

s9(2)(a)

Thank you for your application for a Resident Visa under the Entrepreneur Category. We received your application on the 15<sup>th</sup> of January 2021. We have accepted your application for processing.

The receipt for your fee and immigration levy is attached.

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.

#### What happens if your circumstances change?

You must tell us about any changes to your circumstances that may affect your application for a visa, including:

- changes to the personal or family circumstances of any person included in the application
- changes in circumstances that could affect our assessment of the health or character of any person included in this application
- changes to your address or contact details (including postal address, email address, and telephone number)
- changes to your business or employment
- changes to your study if you are applying for a student visa.

If you do not tell us about changes to your circumstances, we may refuse your visa or you may become liable for deportation. While you are in New Zealand, you must make sure you hold a valid visa at all times.

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:

- Application Fee Receipt x 1
- Original Birth Certificate for **s9(2)(a) of the OIA**

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 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

Alyssa Miles  
Senior Support Officer  
Immigration New Zealand

May 2019

INZ 1056



ONSHORE

# Entrepreneur Residence Application

s9(2)(a) of the OIA

Entrepreneur Residence Category

## Use the guide to help you complete the application form

For help completing this form, please refer to the *Entrepreneur Residence Guide (INZ 1057)*.

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, Immigration New Zealand 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](http://www.iaa.govt.nz) or email [info@iaa.govt.nz](mailto: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](http://www.lawsociety.org.nz).

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

## Category you are applying under

There are two streams to the Entrepreneur Residence Category:

- Entrepreneur Residence (2 years)** for applicants who have successfully established and operated their business in New Zealand for at least two years.
- Entrepreneur Residence (6 months)** for applicants who have:
  - successfully established and run their business for at least six months, and
  - invested at least NZ \$500,000 in the business, and
  - created at least three ongoing and permanent full time jobs for New Zealand citizens or residents in the business.

Which residence category are you applying under?

- Entrepreneur Residence Category (2 years)       Entrepreneur Residence Category (6 months)

## 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 the photographs.

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

**A1** Name as shown in passport

Family/last name

RATH

Given/first name(s)

COLIN DAVID

# ADVISOR



A2 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) of the OIA \_\_\_\_\_

A4 \_\_\_\_\_

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 \_\_\_\_\_

Country of birth \_\_\_\_\_

A8 Other citizenships \_\_\_\_\_

A9 Partnership status  
Married  Never married  Partner/De facto  Separated  Widowed  Divorced

A10 Passport details

s9(2)(a) of the OIA

**Section B** Contact details

All principal applicants must complete this section.

**i** For more information on the questions in this section see 'Completing Section B: Contact details' in the *Entrepreneur Residence Guide*.

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**B3** Name and address for communication about this application

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

s9(2)(a) of the OIA

**B4** Do you authorise the person stated at **B3** to act on your behalf?  Yes  No

**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](http://www.immigration.govt.nz/advice).

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

No

**B7** Would you like us to email you instructions for registering to check online how your application is progressing?

Yes  No

### 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.

*Note: if you do not declare all your family members, your residence application could be declined. If you are granted residence and it is later found that all family members were not declared, you may become liable for deportation. In addition, any family members not declared may not be eligible for residence.*

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 (e.g. single, married,	Country of residence
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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 (e.g. single, married, partner/de facto, etc.)	Country of residence

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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 (e.g. single, married, partner/de facto, etc.)	Country of residence	Does the person intend to migrate with you? (Y/N)

s9(2)(a) of the OIA

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## Section K Entrepreneur Residence Category (2 years)

**i** For more information about the questions in this section, see 'Completing Section K: Entrepreneur Residence Category (2 years)' in the *Entrepreneur Residence Guide*.

Use this section if you are applying for an Entrepreneur Residence Visa on the basis that you have successfully established your business and operated it for at least two years.

**K1** Have you held or do you currently hold an Entrepreneur Work Visa (or Long Term Business Visa (LTBV))?  
 Yes  No

**K2** Trading name and address of established business in New Zealand.

WAIPARA WINDS LIMITED - TRADING AS FIDDLER'S GREEN VINEYARD AND BISTRO

New Zealand Business Number

For help search: [www.nzbn.govt.nz](http://www.nzbn.govt.nz)

**K3** Briefly outline the nature of your business and the benefits to New Zealand.

VINEYARD AND BISTRO

**K4** What is the ownership structure of your business?

Sole trader

Partnership

Limited liability company (list your shareholding percentage and the number of shareholders)

Other (specify)

**K5** Shareholding Number of shareholders  Your shareholding

**K6** Your role/involvement in the business

OWNER / MANAGING DIRECTOR

**K7** Number of staff employed

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
7		3	7	10

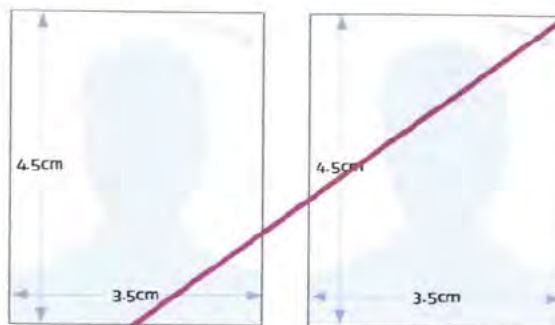
**K8** Is your business profitable?

Yes Attach evidence of your business' profitability.

NO Explain why your business has the potential to be profitable in the next 12 months.

### Dependent child six

Attach two recent passport-size photographs of the child here. The photographs must be less than six months old. Write the child's full name on the back of the photographs.



**F41** Child's name as shown in passport

Family/last name

Given/first name(s)

**F42** Child's gender  Male  Female

**F43** Child's date of birth

**F44** Child's country of birth

**F45** Child's passport details

Number

Country

Expiry date

**F46** Other citizenships child holds

**F47** Partnership status

Married  Never married  Partner/De facto  Separated  Widowed  Divorced

**F48** Does this child have children of his/her own?  Yes  No

Give details of any additional dependants on the form **Additional Dependants for Residence in New Zealand (INZ 1001)**, and attach it to this page.

**F49** Are you separated or divorced from the parent of any of the above children or is the parent of any of the above children not included in this application?

Yes You must provide evidence. See 'Completing Section F: Dependent children' in the Entrepreneur Residence Guide (INZ 1057).

No

### Section G Character requirements

The following questions apply to every person included in this application 17 years of age and over.

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

**G1** List the countries you and/or your family have lived in for 12 months or more (whether on one visit or intermittently) in the last 10 years, with the dates you began and ended living there. If you do not know the exact dates you began and ended living in a country, give approximate dates. Please include your home country.

Name of applicant or family member | COLIN DAVID RATH

s9(2)(a) of the OIA

s9(2)(a) of the OIA



# s9(2)(a) of the OIA

**G2** Have you attached police certificates for each person aged 17 years and over included in your application from all countries you have lived in for 12 months or more in the last 10 years?

Yes  No

Have you attached police certificates for each person aged 17 years and over included in your application from your country/countries of citizenship?

Yes  No

If you have not provided all of the police certificates required, please explain why.

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**i** For information on how to obtain a police certificate you can visit our website at [www.immigration.govt.nz/policecertificate](http://www.immigration.govt.nz/policecertificate). If you do not have access to the internet you can call us on 0508 55 88 55 if you are in New Zealand, or (09) 914 4100 if you are in Auckland; or contact your nearest Immigration New Zealand office.

**G3** 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

**G4** 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?

**G5** Do you, or does anyone included in this application, currently have an outstanding arrest warrant in any country?

Yes  No

**G6** 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, excluding New Zealand?

**G7** Have you, or has anyone included in this application, ever been a member of, or adhered to, any terrorist organisation?

Yes  No

**G8** 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

**G9** 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

**G10** 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)

SEE ATTACHED EXPLANATION LETTER

## 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

**i** For more information on the questions in this section see 'Completing Section I: Health requirements' in the *Entrepreneur Residence Guide*, and read our leaflet *Health Requirements (INZ 1121)*.

**h** 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

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 now, unless:

- the health status of any applicant has deteriorated since their previous medical certificate was issued, or
- any applicant included in your application has spent six consecutive months since their last Chest X-ray Certificate was issued, in a country, area or territory not listed as having a low incidence of TB (see the leaflet *Health Requirements (INZ 1121)* for further information).

Otherwise we will tell you if you need any further medical information. Go to **12**.

If not everyone included in the application has submitted a medical certificate and chest X-ray certificate 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** Tick below as appropriate.

I do not have to provide any medical certificates or chest X-ray certificates at this stage.

I am providing a *Medical Certificate(s)* for  
 Principal applicant  Partner  Child(ren). Go to **17**.

I am providing a *Chest X-ray Certificate(s) (INZ 1096)* for  
 Principal applicant  Partner  Child(ren). Go to **17**.

**13** Do you, or does anyone included in this application, have tuberculosis (TB)?

Yes *Provide details*  No

14 Do you, or does anyone included in this application, have any medical condition that requires, or may require, one of the following in New Zealand?

# s9(2)(a) of the OIA

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

15 Do you have a dependent child included in this application who requires special education services?

# s9(2)(a) of the OIA

16 If you have answered Yes to any of the questions in 14 and 15 provide details.

# s9(2)(a)

17 Tick the option that applies to you:

Is a physician submitting your medical and/or chest X-ray certificate 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 certificate to you, then you will need to submit these with your visa application.

## Section J English language requirements

**English language requirements apply to every person 16 years of age and over who is included in an application under the Entrepreneur Residence Category.**

Principal applicants must meet the minimum standard of English. Partners or dependent children included in this application may either show that they meet the minimum standard of English or pre-purchase English language tuition.

11 Does the principal applicant meet the minimum standard of English?

Yes List evidence provided with your application.  No Your application cannot be approved.

USA CITIZEN

# s9(2)(a) of the OIA

## Checklist for sections A to J

The Immigration Regulations in New Zealand require that we only accept residence applications for consideration that include the documents below. Complete the following checklist to ensure that you have included all these documents.

OFFICE USE ONLY	Information and documents you must supply	CHECK LIST
<input type="checkbox"/>	I have completed and signed the application form.	<input checked="" type="checkbox"/>
<input type="checkbox"/>	I have provided current passport(s) or certificate(s) of Identity (the original documents or certified copies) for every person included in this application.	<input checked="" type="checkbox"/>
<input type="checkbox"/>	I have attached two passport-sized photographs of every person included in this application.	<input checked="" type="checkbox"/>
<input type="checkbox"/>	I have attached full birth certificate(s) for every person included in this application.	<input checked="" type="checkbox"/>
<input type="checkbox"/>	I have attached the application fee and immigration levy.	<input checked="" type="checkbox"/>
<input type="checkbox"/>	I have attached evidence that I (principal applicant) meet the minimum standard of English.	<input checked="" type="checkbox"/>
<input type="checkbox"/>	I have attached evidence any partner and/or dependent children included in the application meets the minimum standard of English (unless they intend to pre-purchase full ESOL tuition).	<input checked="" type="checkbox"/>
<input type="checkbox"/>	I have attached evidence of my relationship with my partner and dependent children (if applicable).	<input checked="" type="checkbox"/>
<input type="checkbox"/>	I have attached evidence that my partner (if applicable) and I meet Partnership Instructions requirements.	<input checked="" type="checkbox"/>
<input type="checkbox"/>	I or my physician have submitted a <i>General Medical Certificate (INZ 1007)</i> (less than three months old) for every applicant if required.	<input type="checkbox"/>
<input type="checkbox"/>	I or my physician have submitted a <i>Chest X-ray Certificate (INZ 1096)</i> (less than three months old) for every applicant if required..	<input type="checkbox"/>
<input type="checkbox"/>	I have attached police certificate(s) (less than six months old) for every person included in this application.	<input checked="" type="checkbox"/>

**K9** Briefly outline how your business is significantly benefitting New Zealand and list the documents you have provided to support your claims.

REGENERATION OF AN EXISTING BUSINESS, CREATION OF EMPLOYMENT

**K10** How has your business met or exceeded the projections in your original business plan for your Entrepreneur Work Visa or LTBV?

Refer to the business plan submitted with your Entrepreneur Work Visa or LTBV application. List the goals in that business plan and explain how you have met or exceeded these goals:

Goal in Entrepreneur Work Visa/ LTBV	How goal has been achieved
--------------------------------------	----------------------------

See Attached:

**Section L Successful business establishment: Entrepreneur Residence (6 months)**

Use this section if you are applying for Entrepreneur Residence on the basis that you have:

- successfully established and run your business for at least six months, and
- invested at least NZ \$500,000 in the business, and
- created at least three ongoing and permanent full time jobs for New Zealand citizens or residents.

For more information see 'Completing section L: Successful business establishment: Entrepreneur Residence (6 months)' in the *Entrepreneur Residence Guide (INZ 1057)*.

**L1** Do you currently hold an Entrepreneur Work Visa (or Long Term Business Visa (LTBV))?

Yes  No

**L2** When did you start operating your business?

List the documents you have included as evidence of when you started your business:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**L3** If you have already provided evidence of the transfer of your NZ\$0.5 million investment capital to New Zealand, list the documents you provided earlier and when they were provided:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**L4** If you have not already provided evidence of having invested at least NZ \$0.5 million into your business, list the documents you have attached as evidence of the transfer of your investment capital

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**L5** Provide your business details:

Trading name

\_\_\_\_\_

New Zealand Business Number

For help search: [www.nzbn.govt.nz](http://www.nzbn.govt.nz)

\_\_\_\_\_

Company Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**L6** Provide a description of your established business (or the business you have purchased) and your role within the business:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**L7** What is the ownership structure of your business?

Sole trader

Partnership

Limited liability company (list your shareholding percentage and the number of shareholders)

\_\_\_\_\_

Other (specify)

\_\_\_\_\_

**L8** How many full time positions for New Zealand citizens or residents have you created in your business?

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

List the documents you have provided as evidence of the new full time positions you have created, including written employment agreements, wages and salary records, Employer Monthly Schedules:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**L9** If you purchased an existing business for your Entrepreneur Work Visa or LTBV, how many people were employed in that business when you purchased it?

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
---	---	---------------------------------------	---	---------------------------

List information on numbers of positions in the business when you purchased it, such as wage records and job descriptions for each role, or Employer Monthly Schedules prepared for Inland Revenue:

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**L10** How has your business met or exceeded the projections in your original business plan for your LTBV or Entrepreneur work Visa?

Refer to the business plan submitted with your Entrepreneur Work Visa or LTBV application. List the goals in that business plan and explain how you have met or exceeded these goals:

Goal in Entrepreneur Work Visa/ LTBV	How goal has been achieved
--------------------------------------	----------------------------

Released under the Official Information Act 1982



**Section M Declaration**

**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 for residence may be declined, and I may lose any right of appeal of the decision to decline the application. I may become liable for deportation. I may also be committing an offence and I may be imprisoned.

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

I declare that I have listed all my family members including any adopted by custom and my grandparents or legal guardians (if any) if both my parents are deceased, and understand that the non-declaration of any family members may result in that family member not being recognised as part of my family in future applications.

I declare that I will inform INZ 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 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 INZ.

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 residence will be granted.

I understand that INZ may provide information about my entitlement to work to potential employers via the online VisaView system. VisaView is authorised by legislation.

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 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 the Ministry of Social Development if I apply for an emergency benefit.

I understand that I am not entitled to an emergency benefit, unemployment benefit on grounds of hardship, or sickness benefit on grounds of hardship from the Ministry of Social Development for the first 24 months of my residence in New Zealand unless I can show that I am in hardship. I also understand that if I apply for an emergency benefit, unemployment benefit on grounds of hardship, or sickness benefit on grounds of hardship, that I will need to show that I cannot support myself and my dependants before any application for emergency benefit, unemployment benefit on grounds of hardship, or sickness benefit on grounds of hardship is considered. I understand that my application for an emergency benefit, unemployment benefit on grounds of hardship, or sickness benefit on grounds of hardship may be declined if I have deprived myself of income or property, by gift or any other method.

Should my application be approved I agree to participate in an evaluation of the Business Immigration categories for a period of up to five years after the approval of my application. I agree to inform INZ of any changes to my **s9(2)(a) of the OIA** the purpose of participating in the

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

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

	Date	07.12.2020
	Date	07.12.2020
	(if applicable)	
	Date	07.12.2020
	Date	
	Date	

## Section N 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.

**N1** If you are a licensed adviser, please provide your licence details.

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

# s9(2)(a) of the OIA

**N2** If you are exempt from licensing, tick **one** box below to show why you are exempt from licensing then go to Section O: 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](http://www.immigration.govt.nz/adviserlicensing) for more information about who is exempt from licensing.

## Section O 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 license, 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](http://www.iaa.govt.nz), via email [info@iaa.govt.nz](mailto: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

New Zealand Business Number (for New Zealand businesses only)

For help search: [www.nzbn.govt.nz](http://www.nzbn.govt.nz)

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
  - I have provided immigration advice (under the Immigration Advisers Licensing Act 2007) and my details in Section N: Immigration advisers
- Signature of person assisting [Redacted] Date 15.01.2021

s9(2)(a) of the OIA

### About the information you provide

Immigration New Zealand collects the information about you on this form to decide whether you are eligible for a residence class visa. We may also use the information to contact you for research purposes or to advise you on immigration matters.

Collecting the information is authorised by the Immigration Act 2009 and the Immigration Regulations made under that Act. You do not have to provide the information, but if you do not we are likely to decline your application.

It is an offence to employ a person who is not entitled to work in New Zealand. One way for employers to avoid committing this offence is to check a person's entitlement to work with Immigration New Zealand's online VisaView system. VisaView is authorised by legislation.

If you believe that an employer has been given the wrong entitlement information via VisaView you may contact the Immigration Contact Centre (0508 558 855) to request correction of that information.

#### Deciding whether you are eligible to board a flight to New Zealand

The information we collect may also be used to determine whether you are allowed to board a flight to New Zealand.

We will not share your personal information with airline check-in agents; however, we will send a boarding message to the airline check-in agent based on the information you have provided in this form.

Immigration New Zealand may also share the information you have provided with other government agencies that are entitled to it by law, or with other agencies (as you have agreed in the declaration).

You are able to ask for the information we hold about you and have any of it corrected if you think it is necessary. The address of Immigration New Zealand is PO Box 1473, Wellington 6140, New Zealand. This is not where your application should be sent.

#### For more information

If you have questions about completing the form:

- see our website [www.immigration.govt.nz/contactus](http://www.immigration.govt.nz/contactus)
- telephone our call centre on 0508 558 855 (within New Zealand).

### Returning your documents

Please return documents to me by secure post at the address given at:

- B1
- B2
- B3



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www.malcolmpacific.com

15 January 2021

### BY SAME DAY COURIER

Business Migration  
Immigration New Zealand  
DX Box: EP71514  
20 Fairfax Avenue  
Penrose  
AUCKLAND 1061

Dear Sir/Madam

Colin David Rath Client Number: s9(2)(a) of the OIA

Attached is an application for a Residence Class Visa lodged on behalf of the above named lodged under the Entrepreneur Category.

I am authorised to act for the above named.

### CASE OVERVIEW

- The applicant is a 57-year-old US Citizen holding an Entrepreneur Work Visa valid until 7 July 2023.
- The applicant is married to s9(2)(a) of the OIA who is included in this application.
- The couple have three dependent children included in this Residence Visa application, s9(2)(a) of the OIA
- The applicant applied for an Entrepreneur Work Visa proposing to purchase a vineyard and existing business trading as Fiddlers Green Vineyard located 244-246 George Road, Waipara, north Canterbury.
- On 7 July 2017, the applicant was granted an Entrepreneur 'Start Up' Work Visa.
- There was a delay in the actual purchase of the vineyard due to the OIO process – OIO approved the applicant's required to purchase the property on 19 January 2018. The applicant finalized the purchase after receiving OIO approval.
- On completion of the OIO process an Entrepreneur Work Visa 'Balance' was approved for the remained of the 3-year period and valid until 7 July 2020.
- A further 3-year Entrepreneur Work Visa was approved until 7 July 2023 to allow the applicant to continue operating his business and apply for a Residence class Visa.



- This application will provide evidence the applicant has met the objectives of the Entrepreneur Work Visa set out in his business plan and should be approved a Residence Visa.

## SUCCESSFULLY ESTABLISHED BUSINESS

### THE BUSINESS

The applicant proposed to purchase a vineyard and existing business.

The business plan confirmed the applicant would rejuvenate an existing vineyard, formerly known as Fiddlers Green, located 244-246 George Road, Waipara, and create a tourist destination offering a unique experience in the popular Waipara wine region.

Colin Rath has met the objectives of his business plans and now wishes to apply for Residence of New Zealand.

We will document the establishment of the business.

The applicant entered into a Sale and Purchase Agreement to purchase the property and business located at 244-246 George Road, Waipara, on 21 October 2016

The purchase price for this property was NZ\$1,200,000.

The purchase required the approval of the Overseas Investment Office (OIO).

Attached are the following documents:

- Sale and Purchase Agreement
- Overseas Investment Office (OIO) decision
- Media article which confirms the purchase of the vineyard

Waipara Winds was incorporated with the Companies Register on 7 November 2016.

There was a delay in the actual purchase of the vineyard due to the OIO process – the OIO approval decision was 19 January 2018; 15 months after entering into a sale and purchase agreement. The applicant finalized the purchase after receiving OIO approval; he liquidated nominated assets/secured financing and completed the purchase on 29 June 2018.

Year 1 of the business, for this Entrepreneur Residence Visa Application therefore commenced 1 June 2018 to 31 May 2019; year 2, 1 June 2019 to 31 May 2020.

### BUSINESS CONSISTENT WITH BUSINESS PLAN:

In the applicant's Entrepreneur Work Visa application and Business Plan he claims the following points:

<i>Business Experience (other self-employment) 10+ years</i>	<i>20</i>
<i>Capital Investment (\$500,000 investment)</i>	<i>50</i>
<i>New full-time employment creation (2 positions)</i>	<i>20</i>



<i>Age (50-59 years old)</i>	<i>10</i>
<i>Business based outside Auckland</i>	<i>40</i>
<b><u>TOTAL</u></b>	<b><u>140</u></b>

We will provide evidence which confirms each of the above have been achieved.

### **CAPITAL INVESTMENT**

For the approval of the applicant's Entrepreneur Work Visa "balance" evidence was provided to INZ which confirmed the nominated funds had been invested into the proposed business.

We attach a copy of the submissions and supporting documentation which as presented to INZ with this Entrepreneur Work Visa 'balance' application.

These confirms:

- Deposit on property
- Payment towards Mortgage
- Vineyard Improvements
- B & B, Café and Amphitheatre

**TOTAL**

s9(2)(a) of the OIA

The applicant has made a capital investment which exceeds the INZ requirement.

The applicant meets the capital investment requirements.

### **BUSINESS SIGNIFICANTLY BENEFITTING NZ**

The applicant's business is significantly benefiting New Zealand.

We attach a document which confirms significant changes which have been made to revitalize the vineyard and business and vineyard. Documentation is attached to support the claims which are made in this letter and include:

- Fiddlers Green wine, tasting notes and restaurant menu.
- 'Before and After' photos of the property showing improvements made since acquisition.
- Evidence Fiddlers Wine is being served at New Zealand House 2021 Americas Cup Village

The applicant confirms that significant renovations have been completed on the property. We attach Hurunui District Council records which confirms the various building and resource consents which have been approved along with copies of the architectural plans.

When the applicant purchased Fiddlers Green vineyard it had no employees. Over the duration of the applicant's Entrepreneur Work Visa he has employed more than 60 employees.



For this application, the applicant is required to demonstrate the creating of two new full-time jobs for New Zealand Citizens/Residents. We demonstrate the following employees have been employed by the applicant:

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

We attach signed employment agreements and evidence of their New Zealand Citizenship.

### BUSINESS CONSISTENT WITH BUSINESS PLAN – FINANCIAL FORECASTS

The applicant provided forecasts with the Entrepreneur Work Visa application which outlined the expected financial performance of the vineyard and business.

Projected Revenue and Expenditure for all activities were as follows:

Total Revenue:

- Year 1: s9(2)(a) of the OIA
- Year 2: [REDACTED]

Net Profit (before depreciation):

- Year 1: s9(2)(a) of the OIA
- Year 2: [REDACTED]

The applicant has exceeded these expectations. The following details have been extracted from the attached Profit and Loss Statements of Waipara Winds Ltd

Total Revenue:

- Year 1: s9(2)(a) of the OIA
- Year 2: [REDACTED]

Net Profit

- Year 1: [REDACTED]
- Year 2: [REDACTED]

The applicant has exceeded the financial projections of the business.

### BUSINESS GENERATING ENOUGH INCOME TO PAY THE APPLICANT

The applicant's business has generated sufficient income in the most recent financial year to pay himself a wage.



Attached is IRD Documentation which confirms Colin Rath has a total gross income of s9(2)(a) of the OIA for the 2020 income tax year.

### COMPLIANCE WITH IMMIGRATION & EMPLOYMENT LAWS

The applicant has not been investigated by the labour inspector nor has he had any dealings with Immigration New Zealand.

To the best of our knowledge Colin Rath has complied with all New Zealand Immigration and Employment law.

### WELFARE ASSISTANCE

We confirm the applicant has not received welfare assistance while in New Zealand holding an Entrepreneur Work Visa.

Waipara Winds has received the government wage subsidies to support the business as a result of Covi19. This should not affect this Residence Visa application.

### ENGLISH LANGUAGE

The applicant, wife and daughters are US Citizens. By virtue of their citizenship status, the English language requirements have been met.

### PARTNERSHIP OF APPLICANTS

s9(2)(a) of the OIA

The partnership requirements have been met.

### HEALTH

Medical and Chest X-ray certificates have been provided to INZ with a previous visa application. These medicals remain valid.

s9(2)(a) of the OIA



# s9(2)(a) of the OIA

## CHARACTER

FBI Police Certificates are attached for Colin Rath

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

You will note from reviewing Colin Rath's FBI Police Certificate he has s9(2)(a) of the OIA  
To summarize:

# s9(2)(a) of the OIA

These were declared in the original Entrepreneur Work Visa application and a character waiver approved.

If further submissions are required on this matter, please advise.

## CONCLUSION

The applicant has successfully established a New Zealand business. The business is achieving the financial forecasts provided to INZ with the Entrepreneur Work Visa application and is profitable.

The business has created a benefit to New Zealand through revitalizing a New Zealand business and employing New Zealand Citizens.

We therefore request the applicant and family be granted New Zealand Residence Visas.

## ATTACHMENTS

- Tab 1 - Entrepreneur Residence Application form - INZ 1056 - application fee authorised - 2 x passport photos attached to application form.
- Tab 2 - Birth Certificates.
- Tab 3 - Applicants passports.
- Tab 4 - Police clearances from USA
- Tab 5 - Evidence of applicants living together for 12 months in a partnership that is genuine and stable.
- Tab 6 - Sale and Purchase Agreement + Overseas Investment Office Decision
- Tab 7 - Evidence of Capital Investment into Business
- Tab 8 - Profit and Loss Statements + IRD Business Income Returns



- Tab 9 – IRD Goods and Service Tax (GST) returns
- Tab 10 – Evidence the applicant is paid a wage by the business.

Yours faithfully

s9(2)(a) of the OIA

s9(2)(a) of the OIA

Released under the Official Information Act 1982



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27 January 2021

## VIA OVERNIGHT COURIER

Immigration New Zealand  
DX Box: EP71514  
20 Fairfax Avenue  
Penrose  
AUCKLAND 1061

**Attention: Jameel Dean, Immigration Manager**

Dear Jameel

Colin David Rath, Client Number s9(2)(a) of the OIA

Further to our email correspondence, please find attached US birth certificates for the above applicant

s9(2)(a)

We ask these be attached to the pending Entrepreneur Residence Visa application.

Thank you,

Yours faithfully

s9(2)(a) of the OIA

Immigration NZ

ml 29 JAN 2021

NaDO 8:08

Joanna Nangaiti

---

**From:** Jameel Dean  
**Sent:** Monday, 18 January 2021 2:48 PM  
**To:** s9(2)(a) of the OIA  
**Subject:** FW: Entrepreneur Residence Visa - Colin Rath C/No [REDACTED] s9(2)(a) of the OIA  
CONFIDENCE:RELEASE EXTERNAL]

Hi Jo, can we please keep this application in NaDO and not transfer it to Porirua?

**Jameel Dean**  
IMMIGRATION MANAGER

National Documentation Office (NaDO) | Border and Visa Operations  
Immigration New Zealand  
Ministry of Business, Innovation & Employment

Jameel.Dean@mbie.govt.nz | Telephone: +64 (9) 984 3195  
Laidlaw House, Level 3, 20 Amersham Way, Manukau, Auckland 2241  
NZBN 9429000106078

**From:** s9(2)(a) of the OIA  
**Sent:** Monday, 18 January 2021 2:41 PM  
**To:** Jameel Dean <Jameel.Dean@mbie.govt.nz>  
**Subject:** RE: Entrepreneur Residence Visa - Colin Rath C/No [REDACTED] s9(2)(a) of the OIA [IN-CONFIDENCE:RELEASE EXTERNAL]

Thanks Jameel – as the deadline with the OIO was Friday, I submitted the application on Friday in the hope that you were agreeable to my request below. So the application will be in your branch right now.

Regards

s9(2)(a)

**MALCOLM PACIFIC IMMIGRATION**  
Trust - Integrity - Service

---

Malcolm Pacific (Auckland) Limited  
Level 5, 2 Kitchener Street, Auckland 1010, New Zealand  
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Ema: s9(2)(a)  
Website: [www.malcolmpacific.com](http://www.malcolmpacific.com)

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**From:** Jameel Dean <Jameel.Dean@mbie.govt.nz>  
**Sent:** Monday, 18 January 2021 2:25 PM  
**To:** s9(2)(a) of the OIA [REDACTED] s9(2)(a) of the OIA  
**Subject:** RE: Entrepreneur Residence Visa - Colin Rath C/No [REDACTED] s9(2)(a) of the OIA [IN-CONFIDENCE:RELEASE EXTERNAL]

Hi [redacted] hope you are well.

Your request appears reasonable so please send it through and I'll take a closer when the file gets here. Please place a copy of this email with the application.

Regards,

**Jameel Dean**  
IMMIGRATION MANAGER

National Documentation Office (NaDO) | Border and Visa Operations  
Immigration New Zealand  
Ministry of Business, Innovation & Employment

Jameel.Dean@mbie.govt.nz | Telephone: +64 (9) 984 3195  
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NZBN 9429000106078

**From:** Mathew Harrington <Mathew.Harrington@mbie.govt.nz>  
**Sent:** Monday, 18 January 2021 1:46 PM  
**To:** s9(2)(a) of the OIA; Jameel Dean <Jameel.Dean@mbie.govt.nz>  
**Subject:** RE: Entrepreneur Residence Visa - Colin Rath C/No [redacted] [IN-CONFIDENCE:RELEASE EXTERNAL]

Hi s9(2)(a)

Apologies for the delay in response. First day back in the office 😊

I'll leave Jameel to respond to your request at the application will be received and process by NaDO.

Kind regards,

**Mathew Harrington (he/him)**  
IMMIGRATION MANAGER

Border & Visa Operations - Porirua, Immigration New Zealand  
Ministry of Business, Innovation & Employment

mathew.harrington@mbie.govt.nz | Telephone: +64 (04) 896 5559 | Mobile [redacted]

www.immigration.govt.nz

NZBN 9429000106078



**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HĪKINA WHAKATUTUKI

**From:** s9(2)(a) of the OIA  
**Sent:** Friday, 15 January 2021 2:02 PM  
**To:** Mathew Harrington <Mathew.Harrington@mbie.govt.nz>; Jameel Dean <Jameel.Dean@mbie.govt.nz>  
**Subject:** Entrepreneur Residence Visa - Colin Rath C/No [redacted]

Hi Mathew

Happy New Year!

I have just tried to call you to discuss the above applicant but couldn't get through.

Very briefly, the applicant was granted an Entrepreneur Work Visa to own and operate a vineyard in North canterbury. To purchase the land the applicant required Overseas Investment Approval (OIO); this request was approved in January 2018.

The applicant has meet the objectives of his Entrepreneur Work Visa application so we're in the process of submitting his Residence Visa application.

s9(2)(a) of the OIA

s9(2)(a) of the OIA

We have the application ready to submit, the only outstanding document is the original birth certificates (electronic copies have been received)

I am contacting you to see if this Residence Visa application can be accepted with the electronic copies of the birth certificates?

The reason for this request relates to the OIO approval; the applicant must submit his Residence Visa application by today 15 January 2021 or he will incur a fine from the OIO. We're trying to avoid the applicant receiving this fine.

I have attached the tracking receipt for your reference.

I have also attached communication with the OIO which confirms the fine which will be imposed.

I have waited to the last minute in the event the courier arrives but unfortunately it has not.

Considering the above, can you accept the application pending the arrival of the original birth certificates?

Regards

s9(2)(a) of the OIA

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# Birth Certificates

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**Immigration NZ**

15 JAN 2021

**NaDO** /



# Police Certificates

Released under the Official Information Act 1982

**Immigration NZ**

15 JAN 2021

**NaDO** ✓

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Sale and Purchase Agreement +  
Overseas Investment Office  
Approval

**Immigration NZ**

15 JAN 2021

**NaDO**

# Manhattan developer, mariner buys North Canterbury vineyard

Chris Hutching 14:00, Mar 01 2018



SUPPLIED

Waipara vineyard Fiddler's Green, now trading as Waipara Winds.

A former Manhattan developer, Colin Rath, has bought a North Canterbury vineyard without having to show the investment in sensitive land will benefit New Zealanders.

Rath received Overseas Investment Office permission to purchase the 27 hectare property at Waipara, formerly known as Fiddlers Green and currently trading as Waipara Winds Bistro.

He holds an entrepreneur work visa, and has satisfied the OIO that he intends to obtain residency and live in New Zealand indefinitely.



SUPPLIED

Colin Rath sailed the oceans with his family after leaving Manhattan three years ago to fetch up in Waipara North Canterbury where he has bought a small vineyard.

"This supports migrants in the process of moving to New Zealand to make it their home and make a positive contribution to society," the OIO said in its decision.

**READ MORE:**

- \* [Waipara vineyard receivership a one-off in buoyant wine market](#)
- \* [A Waipara Valley wine pioneer hosts a new vine run](#)

Rath, 55, also owns a locally registered company called New York Grape Escape.

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The Waipara property at 246 Georges Rd is one of several smaller vineyards for sale in the area, some of them on the market for a long time.

It was last sold in 2013 by its founder Barry Johns to Ross Trowsdale and partner Clare Bisso, who have sold it to Rath.

Rath and his wife Pamela and three daughters arrived in Auckland in 2016 on their 16 metre Hanse 545 yacht Persevere after a two-year journey.

# HURUNUI DISTRICT COUNCIL

P.O. Box 13 | Amberley | 7441 | 66 Carters Road | Amberley | 7410  
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Skype [hdc\\_customer\\_services](https://www.skype.com/contact/hdc_customer_services) | [twitter.com/hurunuidc](https://twitter.com/hurunuidc)



28 March 2017

C Rath

s9(2)(a)

Dear Colin

RESOURCE MANAGEMENT ACT 1991 – NOTICE OF DECISION

s9(2)(a) of the OIA

Released under the Official Information Act 1982

s9(2)(a) of the OIA

Yours sincerely

s9(2)(a) of the OIA

Senior Planner

s9(2)(a) of the OIA

Released under the Official Information Act 1982



DECISION OF THE HURUNUI DISTRICT COUNCIL  
NOTIFICATION UNDER SECTION 95 & DETERMINATION UNDER SECTION 104  
RESOURCE MANAGEMENT ACT 1991

Consent Number:

s9(2)(a) of the OIA

Applicant:

C Rath

Site Address:

244-246 Georges Road, Waipara

Legal Description:

s9(2)(a) of the OIA

Description of Application:

Activity status:

Zoning:

Introduction

*Proposal*

s9(2)(a) of the OIA

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# HURUNUI DISTRICT COUNCIL

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Skype [hdc\\_customer\\_services](https://www.skype.com/en/customer-services) | [twitter.com/hurunuidc](https://twitter.com/hurunuidc)



05 May 2017

C Rath

s9(2)(a)

Dear Colin

Dear Sir/Madam

## RESOURCE MANAGEMENT ACT 1991 – NOTICE OF DECISION

Consent Number:

s9(2)(a) of the OIA

Site Address:

244-246 Georges Road, Waipara

Legal Description:

s9(2)(a) of the OIA

s9(2)(a) of the OIA

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# Evidence of Capital Investment

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**Immigration NZ**

15 JAN 2021

NaDO



## MALCOLM PACIFIC IMMIGRATION

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03 July 2018

### BY OVERNIGHT COURIER

Immigration New Zealand  
Business Migration Team  
PO Box 50728  
PORIRUA

Dear Sir/Madam

### Entrepreneur Work Visa Balance & Change of Business Plan:

- Colin David Rath - s9(2)(a) of the OIA

**NOTE:** Nicholas Robertson has confirmed that upon receipt of this application Interim Visas will be issued to the applicant and family so that they remain in New Zealand lawfully; see attached correspondence.

The above applicant was issued an Entrepreneur "startup" Work Visa on 7 July 2017.

The applicant proposed to purchase an existing business trading as Fiddlers Green Vineyard located 244-246 George Road, Waipara, north Canterbury.

A Sale and Purchase agreement for this property was provided to INZ with the Entrepreneur Work Visa application. This agreement confirmed the purchase price of NZ\$1,200,000 subject to Immigration and Overseas Investment Office (OIO) approval.

While the OIO and Immigration applications were being assessed the applicant had an agreement to lease the property from the vendors. The lease agreement was provided with the Entrepreneur Work Visa application.

The applicant was granted approval by the Overseas Investment Office to purchase the property on 19 January 2018; refer TAB 1

The purchase price of 244-246 George Road, Waipara, is NZ\$1,200,000

The applicant undertook to invest \$500,000 for immigration purposes.

The nominated funds to meet the immigration investment requirements would partially pay the cost of the property. The remainder of the purchase price will be paid for by way of mortgage.

Colin Rath nominated s6(c) s9(2)(a) of the OIA to meet the investment requirements. Colin intended to s6(c) proceeds to invest into the property.



s6(c)

As a result, the nominated funds have not been invested into the proposed business to date.

The applicant requests a “change of business proposal” as per instruction BB5 to allow the funds that he has invested in the business to be used towards the required NZ\$500,000 investment.

### CHANGE IN BUSINESS PROPOSAL

Instructions state:

*i. the changes proposed are minimal and do not significantly alter the nature of the proposed business; and*

The applicant wishes to have funds invested into the proposed business, derived from different sources that those outlined in the Entrepreneur Work Visa application, accepted and recognized by INZ.

We submit this request is minimal and does not alter any aspect of the business. Colin Rath will still invest \$500,000 into the proposed business.

We document below that the new funds were legally earned, transferred to New Zealand through the banking system and invested into the proposed business.

Refer to the heading “Investment Funds” below for details.

*ii. there are genuine reasons for changing the original business proposal; and*

There are genuine reasons for changing the funds that were used to establish the proposed business; namely, the applicant has been unable to sell the asset nominated in the Entrepreneur Work Visa application. The applicant’s yacht remains on the market and when sold, the proceeds will be used to “top-up” the investment to the amount required by INZ.

*iii. the business still requires the same or a greater level of capital investment (see BB3.5.10) than the original business proposal; and*

the applicant intends to invest NZ\$500,000 into the business, as outlined in the Entrepreneur Work Visa application.

*iv. the proposed changes would have been granted the same or greater points in the points scale set out in BB3.10(d); and*

The change in nominated investment funds does not affect the “points claim” made by the applicant in the Entrepreneur Work Visa application.



*v.the business still meets the requirements for a business plan as set out in BB3.15; and*

There are no changes to the business plan or proposed business outlined to INZ.

*vi.the applicant has sufficient business experience relevant to the proposed business; and*

The applicant's business experience has been accepted in the previous application.

*vii.the business continues to offer at least the same level of benefit to New Zealand, including full time positions created for New Zealand citizens or residents, annual turnover, new exports and/or the introduction of unique products or services to New Zealand or to a particular region; and*

The "benefit to New Zealand" has not changed, as outlined in the initial application the applicant still undertakes to create 2 full time positions for New Zealand Citizens/Residents and significant increase in the annual turnover of the business.

*viii.the applicant continues to meet the fit and proper person requirements set out at BM1.*

The applicant continues to meet the "fit and proper" person requirements.

**INVESTMENT FUNDS:**

The applicant has been **s6(c)**

**s6(c)**

**s6(c)** The applicant has paid:

Deposit on property	<b>s9(2)(a) of the OIA</b>
Vineyard Improvements	<b>s9(2)(a) of the OIA</b>
B & B, Café and Amphitheatre	<b>s9(2)(a) of the OIA</b>
<b>TOTAL</b>	<b>s9(2)(a) of the OIA</b>

We have attached the applicant's **s9(2)(a) of the OIA** to show the transfer of funds to **s9(2)(a) of the OIA** in New Zealand before transferring **s9(2)(a) of the OIA** to pay the deposit on this property; Refer TAB **s9(2)(a) of the OIA**

We have attached a document which outlines the costs incurred in the vineyard improvements, B&B, Café and Amphitheatre building.



Tax invoices from each of the suppliers are attached along with bank statements from the applicant's bank account in the US to show these invoices being directly paid. Refer TAB 4.

We attach valuations of the properties dated 6 October 2016, obtained when the applicant was completing due diligence on the property, and 17 January 2018, to demonstrate, because of the applicant's investments, the value of the property has increased from s9(2)(a) of the OIA to s9(2)(a) of the OIA. Refer TAB 5.

To demonstrate the funds transferred to New Zealand have been legally earned we attach the applicant's US Tax Return for the 2017 Financial Year confirming total income s9(2)(a) of the OIA before tax. We also attach the applicant's Partnership Income Return for his business s9(2)(a) of the OIA for the 2017 financial year showing gross sales of s9(2)(a) of the OIA before tax. The Income Tax documentation can be found at TAB 6.

The funds transferred to New Zealand have been legally earned.

Regarding the applicant transferred funds from his company's bank account in the US, s9(2)(a) of the OIA s9(2)(a) of the OIA INZ instruction requires funds to be transferred directly from the "holder's bank account to New Zealand". The applicant is the "holder" of s9(2)(a) of the OIA which can be verified in the attached Income Tax Documents and Cheque slip and therefore meets INZ Instructions. This definition is different to the investor visa instructions which require funds to be transferred "directly from the principle applicant's bank account to New Zealand".

#### OTHER CONSIDERATIONS:

As outlined in the applicant's business plan, he intends to establish, open and operate a B&B in a French Style building with 2 units and renovate the existing café/bistro at Waipara Winds Limited.

We attach evidence Colin has secured the required consents from the Hurunui District Council; refer TAB 7.

The applicant has prepared a Profit and Loss Statement for the business from 16 October 2016 to 7<sup>th</sup> November 2017; refer TAB 8. This records a grape contract that he engaged in to generate sales of s9(2)(a) of the OIA. This also records s9(2)(a) of the OIA of operating expenses incurred by the business. Note significant costs have been incurred "repairing" and "maintaining the vines s9(2)(a) of the OIA was paid to vineyard hands s9(2)(a) of the OIA to outside contractors and s9(2)(a) of the OIA on repairs and maintenance.

We also attach a letter from IRD dated 7 November 2017 which confirms "losses carried forward" totaling s9(2)(a) of the OIA refer TAB 9.

#### CONCLUSION:

It is clear based on the attached the applicant has taken significant steps to establish his New Zealand business – obtaining OIO approval to purchase the property, obtaining building consent to build/renovate building as part of the proposed business plan and spent considerable funds on the maintenance and operating costs of the business.

The applicant has been unable to sell the asset he nominated in the Entrepreneur Work Visa application and has therefore used "other" funds to start establishing his business. These



“other funds” have been legally earned and were transferred to New Zealand through the banking system to pay suppliers.

We seek a change in business proposal to allow the <sup>s9(2)(a) of the OIA</sup> [redacted] invested by the applicant to be considered as part of his required investment. The remaining <sup>s9(2)(a) of the OIA</sup> [redacted] of funds will be invested **s6(c)** [redacted]

We submit this “change in business plan” is minor and should be approved.

We look forward to your review and confirmation of approval.

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



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# MALCOLM PACIFIC IMMIGRATION

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19 December 2018

## BY OVERNIGHT COURIER

Immigration New Zealand  
Business Migration Team  
PO Box 50728  
PORIRUA

Attention: Andrew Leslie

Dear Andrew

Colin David Rath -

s9(2)(a) of the OIA

On 2 August INZ approved an extension of the above applicant's Entrepreneur (Start Up) Work Visa until 7<sup>th</sup> February 2019.

The above extension was approved as an exception to allow the applicant more time to sell the nominated asset (Yacht) and invest the proceeds 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) 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 to BMT 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 has s9(2)(a) completed his investment in New Zealand.

Attached is a Settlement Agreement s9(2)(a) to confirm the sale of the boat; after deductions the applicant is to receive s9(2)(a) of the OIA

We have attached a "Loan Agreement" Between the applicant "Colin Rath" the business "Waipara Winds" and s9(2)(a) 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 This statement



confirms a payment of [redacted] s9(2)(a) of the OIA (mortgage lender) on behalf of the applicant's business Waipara winds Ltd.

The proceeds from the sale of the Yacht [redacted] s9(2)(a) of the OIA have been used to pay down the mortgage secured to purchase the business.

The applicant has invested his nominated funds as follows:

- 1. Deposit on property [redacted] s9(2)(a) of the OIA
- 2. Vineyard Improvements [redacted] s9(2)(a) of the OIA
- 3. B & B, Café and Amphitheatre [redacted] s9(2)(a) of the OIA
- 4. Payment towards Mortgage [redacted] s9(2)(a) of the OIA

**TOTAL** [redacted] s9(2)(a) of the OIA

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 7<sup>th</sup> July 2020.

We look forward to receiving the new eVisas for the family soon,

Yours faithfully

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

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Profit and Loss Statements  
IRD Income Tax Returns

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**Immigration NZ**

15 JAN 2021

**NaDO**

# IRD GST Returns

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**Immigration NZ**  
11 5 JAN 2021  
**NaDO**