Application for Consent
to Acquire Sensitive New Zealand Assets

(Consent under the Intention to Reside pathway)

Use this template for all applications for consent under the intention to reside pathway.

It is important that you provide us with accurate and complete information. It is an offence to make a false or misleading statement or material omission in any information or document provided to the Overseas Investment Office (OIO).

The OIO may use relevant legislation to share details of this application with other agencies to the extent permitted by law and as required to complete the application process.

Instructions:

* Please do not remove the instruction text from this template.
* **Use the latest version of this template. Download this template from our website before each use**.
* Ensure that your application is complete before submitting it to the OIO (we will not commence our process until we have received all of your documents).
* Follow the guidance in each section. Provide all required information.
* Be concise and use plain English. Use headings and tables (if relevant) and explain industry terminology.
* Documents in a foreign language must be accompanied by full certified translations (unless otherwise agreed with the OIO in advance).
* This is a living document and must be updated during the assessment process if further information is provided. Updated versions of this document must be recorded in the table below and with [tracked changes](https://support.office.com/en-us/article/Track-changes-in-Word-197ba630-0f5f-4a8e-9a77-3712475e806a#ID0EAABAAA=2016,_2013) so the OIO can easily identify those updates.
* Contact the OIO if you have any questions about this template or your application generally (+64 4 462 4490, oio@linz.govt.nz).
* **You must upload and submit the completed application form using our** [**Application Submission Webform.**](https://www.oio.linz.govt.nz/oio-application-submissions)

Electronic Filing Requirements

Your application and supporting information must be submitted electronically using our [Application Submission Webform](https://www.oio.linz.govt.nz/oio-application-submissions). The Webform is a secure upload site and provides details of our electronic filing requirements.

Please do not provide hard copy versions of your documents.

|  |
| --- |
| Checklist |
| 1. | Electronic copy of your signed application (without appendices) |[ ]
| 2. | Electronic copy of each appendix to your application (number and describe each appendix as follows: ‘Appendix 01 – X’) |[ ]
| 3. | All PDF documents are:‘Printed to PDF’, or scanned and OCR’d (i.e. all text in the document can be copied)Free from security restrictionsIn colour (if the document contains colour)If scanned, at 300 dpi (where possible) |[ ]

Version control

Record the details of each version of the application below.

|  |  |
| --- | --- |
| Applicant Name | Click or tap here to enter text. |
| Version | Date | Description |
| e.g. 1.0 | e.g. 01/01/20 | e.g. First version submitted to OIO |
| [Add] | [Add] | Click or tap here to enter text. |
| [Add] | [Add] | Click or tap here to enter text. |

Applicant signature – Version 1.0

Only version 1.0 and the final version of the application must be signed.
Sign version 1.0 of the application below.

|  |
| --- |
| Version 1.0 |
| [Sign here] | Date [e.g. 01/01/20] |
| [Name] | [Position] | [Date] |

Applicant signature – Final version

|  |
| --- |
| Do not sign the final version of the application below until the OIO requests you to. |
| [Sign here] | Date [e.g. 01/01/20] |
| [Name] | [Position] | [Date] |

Summary of Key Information

We use the information in this table to quickly identify the nature of the application, enter the application into our case management system.

We may contact the parties listed below during the process and following a decision.

|  |  |
| --- | --- |
| Date | Click or tap to enter a date. |
| Case number | [Only relevant for resubmitted applications and where there has been a pre-application meeting.] |
| Applicant | [Full legal name(s)] |
| Target entity (if any) | [Full legal name] |
| Vendor/Lessor | [Full legal name(s)] |
| Decision type | [Sensitive land decision – intention to reside in NZ] |
| Transaction type | [Acquisition of assets; and/orAcquisition of securities] |
| Transaction of national interest  | Section 20A: Does the transaction fall under Section 20A of the Act? [ ] Yes, the transaction is an investment in a strategically important business.[ ] Yes, the transaction involves a non-New Zealand government investor.[ ] No, the transaction is neither of the above.Section 20B: Does the Applicant consider the transaction to be a transaction of national interest under section 20B of the Act? [ ] Yes[ ] No Note: Under Section 20B the Minister may consider **any** application to be a transaction of national interest. For more information on this, please refer to the OIO’s [Supplementary Ministerial Directive Letter](https://www.linz.govt.nz/overseas-investment/about-overseas-investment-office/legislation-ministers-delegated-powers) and Treasury’s [Foreign Investment Policy and National Interest Guidance](https://treasury.govt.nz/publications/guide/foreign-investment-policy-and-national-interest-guidance). |
| Investment | [Acquisition of a freehold interest in X hectares at … ] |
| Application type | [One-off consent application ][Consent pathway(s) (sensitive land applications only): Intention to reside in NZ test,] |
| [Decision maker](http://www.linz.govt.nz/node/11246) | [Ministers / OIO] |
| Application Fee | [The application fee will be paid by direct credit after the correct amount has been confirmed by the OIO. Please send the GST receipt to [email address]] |
| Contact details: Applicant’s advisor(s) | [Primary contact] | [Secondary contact] |
|  | [Please include full contact details including address, phone and email] | [Please include full contact details including address, phone and email] |
| Contact details: Applicant  | [Contact details for the applicant] |  |
| Click or tap here to enter text. |  |
| [Please include an email address and contact number for the applicant. This must not be for the applicant's advisor(s).] |
| Contact details: Vendor | [Contact details for the vendor and vendor's advisor(s)] |
|  | [Please include an email address and contact number for the vendor (not only the vendor's advisor(s)] |
| NZ Service Address | Add |
| Requested decision date | [e.g. 1 February XXXX (OIA condition date in ASP)] |

Defined terms

Extend this table to list all the defined terms you have used in your application. Use meaningful terms that are easily remembered and are consistent across this document and (if applicable) your Investment Plan.

|  |  |
| --- | --- |
| Act | means the Overseas Investment Act 2005 |
| IWC | means individuals with control of the relevant overseas person |
| Regulations | means the Overseas Investment Regulations 2005 |
| ROP | means relevant overseas person |
| Click or tap here to enter text. | Click or tap here to enter text. |

Section 1: Introduction

Investment Summary

Required Content:

Provide a brief description of the ‘who, what, where’ for the investment and consent sought.

1. Response

Click or tap here to enter text.

Key Dates

Required Content:

Provide the following:

* The date by which consent is required (this must be a date, not a timeframe that requires calculation, e.g. 90 working days from X), - explain any consequences should the date not be met (e.g. the vendor is entitled to cancel the agreement).
* The details of the OIA condition in the agreement for sale and purchase - reference the relevant clause(s), state the condition date, and note any rights of extension (if not already addressed above).
* Any request for urgency – ensure you provide the supporting information set out on our [website](https://www.linz.govt.nz/overseas-investment/applying-for-consent-purchase-new-zealand-assets/how-oio-assesses-your-application/assessment-timeframes#request) (avoid requesting urgency without first discussing it with the OIO).
1. Response

Click or tap here to enter text.

Section 2: Investment

Use this section to confirm: The particulars of the overseas transaction(s), the consent(s) requested and why, and that the transaction has not already been given effect without consent (i.e. the transaction is conditional on OIO consent being granted).

Required content:

Provide the following:

* Describe the proposed transaction – identify all parties to the transaction including the entity/individual(s) acquiring the investment, target entity, vendor etc
* A statement about whether you have any existing interest in the sensitive assets and/or existing relationship with the vendor.
* A statement about whether you have consulted with any other Government department about the transaction (if yes, provide the contact details for the relevant official(s)).
* Describe relevant agreements and steps involved in the transaction – include:
	+ details of any pre-conditions to the completion of the acquisition other than OIO consent.
	+ diagrams if this will assist in explaining the transaction.
	+ details of any pre-consent arrangements such as short-term leases, management agreements, etc.

Required attachments to be uploaded:

Relevant transaction agreements/documents (full executed copies without redactions) – for example: Agreement for sale and purchase or lease agreements,. Provide draft agreements if executed copies are not available.

1. Response

Click or tap here to enter text.

Consideration and Financing

Required Content:

Provide details of the consideration and financing for the transaction.

1. Response

Click or tap here to enter text.

Consent(s) requested

Required Content:

Provide the following:

* Explain why the transaction requires consent.
* Confirm all transactions for which consent is sought and when they are likely to occur (consider whether the consent is required for linked transactions such as the grant and exercise of options).
* Identify whether the transaction is a transaction of national interest.
1. Response

Click or tap here to enter text.

Section 3: Applicant

Use this section to provide full ownership and control information for the applicant. This information will help us understand the individual or entity making the investment and identify who we should focus our assessment on (i.e. identify the ROP and IWC for the investment).

Ownership and control

Required content:

Provide the following:

* Full information on ownership and control of the acquiring entity tracing back to ultimate owners/controllers including:

The role and significance of any intermediary entities and other parties (including associates) holding a direct or an indirect interest in the acquiring entity.

Whether a foreign government or its associates would hold an interest in the asset.

A description of all share classes on issue (and who owns them) and any trust arrangements.

Incorporation, shareholder and director information for all entities (or equivalent information if the applicant is not a company).

* An explanation of decision making as it relates to the proposed investment - address the following questions (with reference to relevant documents where appropriate):

Who is providing the required business experience and acumen?

Where is the financial commitment coming from (funding)?

Who approved the acquisition of the investment? Did they consult with others (e.g. parent entities) before making the decision?

 Who could approve the divestment of the investment?

Who is responsible for the day to day management of the investment?

Who can approve significant capital and operating expenditure?

Are there formal (or informal) decision making delegations in place? Who controls those delegations?

Required attachments to be uploaded:

* Structure diagram(s) showing ultimate ownership: simplified and full diagrams, pre and post transaction
* Certificate(s) of incorporation.
* Formation documents (e.g. trust deeds, constitutions).
1. Response

Click or tap here to enter text.

Relevant overseas person

Who is the relevant overseas person for the investment (refer OIO [guidance](http://www.linz.govt.nz/node/11588))?

Required content:

Identify the ROP and explain the rationale for your selection (if relevant, explain why you have excluded entities or individuals with an ownership or control interest from the ROP).

Note - ROP is a collective term that may cover more than one individual / entity.

1. Response

Click or tap here to enter text.

Individuals with control

Who are the individuals with control of each relevant overseas person for the investment (refer OIO [guidance](http://www.linz.govt.nz/node/11588))?

Required content:

Identify the IWCs and explain the rationale for your selection (if relevant, explain why you have excluded members of the governing body of an ROP or individuals with a more than 25% ownership or control interest).

Required attachments to be uploaded:

* Copies of passports in colour for all individuals (ROP/IWCs and directors), minimum quality for scanned document is 300dpi, we will not accept copies with dark shadows, glare from light, or cropped, distorted, or blurry images.

Or written confirmation from the OIO that it has waived this requirement.

1. Response

Click or tap here to enter text.

ROP / IWC individuals

Complete the table for each individual you have identified as a relevant overseas person or individual with control.

ROP/IWC individuals

| Full legal name in English | Full legal name in non-English characters | Other names e.g. maiden name | Rolee.g. director of company X | Joined ROP/IWC sincee.g. January 2010 | Passport number | Passport expiry date | Nationality | Residing country | Date of birth | Inland Revenue number, if held |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| [Individual 1] | Add | Add | Add | Add | Add | Add | Add | Add | Add | Add |
| [Individual 2] | Add | Add | Add | Add | Add | Add | Add | Add | Add | Add |
| [Individual 3] | Add | Add | Add | Add | Add | Add | Add | Add | Add | Add |

ROP entities

Complete the table for each entity you have identified as a relevant overseas person.

ROP entities

| Full legal name of entity in English | Full legal name in non-English characters | Other names e.g. trading/former names | Type of entitye.g. Limited liability company | Jurisdiction | Unique identifier e.g. ACN/NZBN | Inland Revenue number, if held |
| --- | --- | --- | --- | --- | --- | --- |
| [Entity 1] | [Add] | [Add] | [Add] | [Add] | [Add] | [Add] |
| [Entity 2] | [Add] | [Add] | [Add] | [Add] | [Add] | [Add] |
| [Entity 3] | [Add] | [Add] | [Add] | [Add] | [Add] | [Add] |

List of individuals with a beneficial interest in the Applicant

This list is aimed at identifying the individuals who ultimately have a beneficial ownership interest in the Applicant. This information (together with the information provided in the application and structure diagrams) should provide a full depiction of the ownership of the Applicant.

Widely held entities

Where entities are widely held and it is not practical to identify all beneficial owners, only those individuals with a greater than 5% interest (either alone or together with associates) in the Applicant need to be provided. In these circumstances an approximate indication of the number of shareholders should be provided in the application.

If it is not possible to identify individual beneficial owners, entities may be included in the table instead. In these circumstances, an explanation of why it is not possible to identify the individual beneficial owners should be provided in the application. A description of each entity in the table, including who owns/controls it, should also be provided in the application (e.g. a Norwegian superannuation fund for the benefit of state sector employees managed by the Norwegian Government entity ‘X’).

|  |  |
| --- | --- |
| Individual | Percentage of ownership |
| X | X% |
| X | X% |
| X | X% |
| X | X% |
| X | X% |
| Other | X% |
| Total | 100% |

Breakdown of beneficial ownership of Applicant by Country

We require this information primarily for statistical purposes. Provide a breakdown of ultimate beneficial ownership of the applicant by **country**. Avoid grouping countries or listing ownership by continent.

For listed companies, applicants should provide the most accurate information they can about the location of their shareholders and be clear about the source of that information.

|  |  |
| --- | --- |
| Country | Percentage of ownership |
| X | X% |
| X | X% |
| X | X% |
| X | X% |
| X | X% |
| Other | X% |
| Total | 100% |

Business activities

Required content:

Provide the following:

* Describe the applicant’s business activities generally.
* Describe any current or past business operations in New Zealand - address whether the applicant is a new investor or has a track record in New Zealand.
* Details of any previous consent applications by the applicant or related entities including OIO case numbers.
* A summary of financial position (e.g. market capitalisation, gross revenue, net profit, net asset value).
* A link to applicant website and annual report (if available online).
* Information on the business activities of individuals if the investor is effectively an individual (or a few individuals).

Note – If you are required to provide any of the above information in your investment plan (e.g. for standing consent applications), then you can state this and reference the relevant part of that document.

Required attachments to be uploaded:

* Latest financial accounts, audited where available.
* Annual report.

Note – do not provide these attachments if the information is available online.

1. Response

Click or tap here to enter text.

Section 4: Investor Test – 12 factors

The relevant overseas person and all individuals with control of the relevant overseas person must meet the new investor test. People who are not overseas persons do not need to meet the test.

You will meet the test if, either:

* none of the investor test factors are established, or
* if one or more of the investor test factors are established, the decision-maker is satisfied that this does not make you unsuitable to own or control sensitive New Zealand assets.

You must answer all questions in the table and not edit the context or format of the table.

Required attachments to be uploaded:

Documents relating to the decision for the triggered factor, such as a judgment or notice

| Section | Factor question | AnswerIf yes, answer questions following | Name(s) of the individuals and/or entities this factor applies to | Date of decision of the court or regulatory body giving rise to the factor | Short summary of the matter | Steps taken by the individuals and/or entities since decision to prevent the situation occurring again | Any further comment you wish to make |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 18(A)(4)(a)(i) | Have any of the ROP or IWC, at any time, been convicted of an offence for which they have been sentenced to imprisonment for a term of 5 years or more, or for an indeterminate period capable of running for 5 years or more? | Choose answer |  |  |  |  |  |
| 18A(4)(a)(ii) | Have any of the ROP or IWC, at any time in the preceding 10 years, been convicted of an offence for which they have been sentenced to imprisonment for a term of 12 months or more, or for an indeterminate period capable of running for 12 months or more? | Choose answer |  |  |  |  |  |
| 18A(4)(a)(iii) | If the ROP is not an individual, has it, at any time in the preceding 10 years, been convicted of an offence for which it has been sentenced to pay a fine? | Choose answer |  |  |  |  |  |
| 18A(4)(a)(iv) | Have any of the ROP or IWC been ordered, in the preceding 10 years, by a court, any other court in New Zealand, or any equivalent body overseas to pay a civil pecuniary penalty in respect of a contravention of any enactment? | Choose answer |  |  |  |  |  |
| 18A(4)(a)(v) | At any time in the preceding 10 years, has a court imposed a penalty on any of the ROP or IWC for a contravention of this Act or the regulations? | Choose answer |  |  |  |  |  |
| 18A(4)(a)(vi) | Have any other proceedings begun against any of the ROP or IWC, and have not been completed, for any offence, or contravention of an enactment, that carries a penalty corresponding to those listed in subparagraphs (i) to (v)? | Choose answer |  |  |  |  |  |
| 18A(4)(a)(vii) | Have any of the ROP or IWC entered, in the preceding 10 years, into an enforceable undertaking or an equivalent agreement with any regulator in respect of any contravention or alleged contravention of any enactment? | Choose answer |  |  |  |  |  |
| 18A(4)(b) | Have any the ROP or IWC ever applied for a visa to come to New Zealand? | Choose answer |  |  |  |  |  |
| 18A(4)(c) | Are any of the ROP or IWC a person prohibited from being a director or promoter of, or concerned in the management of, an incorporated or unincorporated body under the Companies Act 1993, the Financial Markets Conduct Act 2013, or the Takeovers Act 1993? | Choose answer |  |  |  |  |  |
| 18A(4)(d) | Are any of the ROP or IWC individuals a person subject to a management banning order under the Financial Markets Conduct Act 2013 or the Takeovers Act 1993 or is subject to an order under section 108 of the Credit Contracts and Consumer Finance Act 2003? | Choose answer |  |  |  |  |  |
| 18A(4)(d) | Are any of the ROP or IWC individuals a person subject to a management banning order under the Financial Markets Conduct Act 2013 or the Takeovers Act 1993 or is subject to an order under section 108 of the Credit Contracts and Consumer Finance Act 2003? | Choose answer |  |  |  |  |  |
| 18A(4)(e) | Have any of the ROP or IWC become liable, in the preceding 10 years, to pay a penalty in respect of an abusive tax position under section 141D of the Tax Administration Act 1994 or an equivalent enactment in another jurisdiction? | Choose answer |  |  |  |  |  |
| 18A(4)(e) | Have any of the ROP or IWC become liable, in the preceding 10 years, to pay a penalty in respect evasion or a similar act under section 141E of the Tax Administration Act 1994 or an equivalent enactment in another jurisdiction? | Choose answer |  |  |  |  |  |
| 18A(4)(f) | At the date on which the application is made, do any of the ROP or IWC have outstanding unpaid tax of $5 million or more due and payable in New Zealand or an equivalent amount due and payable in another jurisdiction (where the amount is converted into New Zealand currency by applying the close of trading spot exchange rate on the date or dates on which the tax became due and payable)? | Choose answer |  |  |  |  |  |

Section 5: Land

Use this section to identify the sensitive land you wish to acquire and address criteria relating to special land, farm land advertising and residential land. This information also helps us to enter the land details into our case management system.

Sensitive Land

Required Content:

Provide a description of the land (use the tables provided):

* Create additional tables if you need them. Delete unused tables.
* Move the land tables to an appendix if the investment involves more than five properties.
* Adjust the tables as necessary for interests that only cover part of a title (e.g. a lease or *profit à prendre*).

Required attachments to be uploaded:

* Records of title (search copy and historical copy for each title – generated within the last three months).
* Sensitive land certificate (completed within the last three months).
* Map of the locale and approximate location of the relevant land.
* Cadastral map and aerial photo clearly identifying relevant land.
* Planning map from the relevant territorial authority (relevant land must be clearly marked).

Note - If your application involves a large number of properties, please contact us so we can agree on the most efficient way for you to provide the required land information.

|  |
| --- |
| [Property address and name – e.g. 42 Forest Hill Road, Sodor’ (Henry’s Forest)] (one table per property) |
| Record of Title | Click or tap here to enter text. |
| Existing owner | Click or tap here to enter text. |
| Registry and Territorial Authority | [E.g. South Auckland Registry, Auckland Council] |
| Land Area | Click or tap here to enter text. |
| Legal Description  | Click or tap here to enter text. |
| Estate | Click or tap here to enter text. |
| Sensitivities  | Includes: [Residential land; non-urban land; Land on specified lands; Land on other islands; Marine and coastal area; Bed of lake; Land held for conservation purposes; Land used for public park/recreation purposes/open space; Land subject to heritage order; Historic place/wāhi tapu; Māori reservation and wāhi tapu.]Adjoins: [Marine and coastal Area; Bed of a lake; Land held for conservation purposes; Recreation/historic/scenic/nature/scientific etc reserve; Regional parks of 80 hectares or more; National parks; Land that adjoins the sea or a lake and is a Māori reservation; Historic place/wāhi tapu; Māori reservation and wāhi tapu land; Certain types of Treaty settlement land and persons - refer to Schedule 1, Table 2, for full terms] |
| Special land | [E.g. NA (i.e. if you are not acquiring a freehold interest or if there is no special land); or Bed of the Reagh River; or Ad medium filum aquae centreline rights to the bed of the River Reagh] |
| Other information | [E.g. memorials that require explanation or may affect ability to undertake the investment plan or meet consent criteria.] |

|  |
| --- |
| [Property address and name – e.g. 12 Maithwaite Road, Sodor’ (Maithwaite Forest)] (one table per property) |
| Record of Title | Click or tap here to enter text. |
| Existing owner | Click or tap here to enter text. |
| Registry and Territorial Authority | [E.g. South Auckland Registry, Auckland Council] |
| Land Area | Click or tap here to enter text. |
| Legal Description  | Click or tap here to enter text. |
| Estate | Click or tap here to enter text. |
| Sensitivities  | Includes: [Residential land; non-urban land; Land on specified lands; Land on other islands; Marine and coastal area; Bed of lake; Land held for conservation purposes; Land used for public park/recreation purposes/open space; Land subject to heritage order; Historic place/wāhi tapu; Māori reservation and wāhi tapu.]Adjoins: [Marine and coastal area; Bed of a lake; Land held for conservation purposes; Recreation/historic/scenic/nature/scientific etc reserve; Regional parks of 80 hectares or more; National parks; Land that adjoins the sea or a lake and is a Māori reservation; Historic place/wāhi tapu; Māori reservation and wāhi tapu land; Certain types of Treaty settlement land and persons - refer to Schedule 1, Table 2, for full terms] |
| Special land | [E.g. NA (i.e. if you are not acquiring a freehold interest or if there is no special land); or Bed of the Reagh River; or Ad medium filum aquae centreline rights to the bed of the River Reagh] |
| Other information | [E.g. memorials that require explanation or may affect ability to undertake the investment plan or meet consent criteria.] |

Farm land

Is the relevant land farm land (refer s6 and OIO [guidance](http://www.linz.govt.nz/node/11577))?

Required Content:

Provide reason(s) why the relevant land is or is not farm land.

1. Response

Click or tap here to enter text.

If yes, has the farm land or farm land securities been offered for acquisition on the open market to persons who are not overseas persons in accordance with the procedure set out in regulations (refer s16(1)(f), r4-11 and OIO [guidance](http://www.linz.govt.nz/node/11577))?

Required Content:

Provide the following:

* Describe the advertising undertaken, clearly identifying the date the farm land was first advertised, dates of any subsequent advertisements and the mediums published in.
* Explain how the advertising meets the requirements in the Regulations.
* Confirm whether the advertising was before or after the agreement for sale and purchase was entered into. If advertising occurred afterwards then explain how the land was genuinely available for acquisition by New Zealanders (e.g. the agreement contained a ‘cash out’ clause giving the vendor the ability to accept any offer presented to it). We will closely review post-agreement advertising to ensure it is genuine.

Note - the advertising period of 20 working days (as set out in Regulation 9) is calculated with the date of the advertisement equalling day ‘0’.

Required attachments to be uploaded:

A copy of relevant advertisements showing listing date and medium published in.

1. Response

Click or tap here to enter text.

Is the farm land or are the farm land securities exempt from the advertising criterion under the Gazette notice or is the applicant seeking an exemption (refer to s20, the [Gazette notice](https://gazette.govt.nz/notice/id/2005-go5192?year=2005&pageNumber=3018) and OIO [guidance](http://www.linz.govt.nz/node/11577))?

Required Content:

If relevant, explain why you consider your investment:

* Falls within the advertising exemptions set out in the Gazette notice; or
* Should be exempt from the advertising criterion having regard to the circumstances relating to the particular overseas investment, interest in land, or rights or interests in securities.

Note – Your request for an exemption under section 20(a) will be decided at the same time as your application. Exemptions will only be granted in limited circumstances (e.g. where a property is land locked). If you are requesting an exemption, or seeking to rely on a gazetted exemption, you should discuss the matter with the OIO before submitting your application.

1. Response

Click or tap here to enter text.

Section 6: Intention to Reside in New Zealand

The purpose of this section is to address the matters relevant to demonstrating whether ROP/IWC individuals intend to reside in New Zealand indefinitely. This involves an assessment as to whether the relevant individuals hold an appropriate visa and will move to New Zealand and become ordinarily resident here within an acceptable timeframe. The 2017 Directive Letter sets the general expectation that the relevant individuals will move to New Zealand within 12 months, and become ordinarily resident within 2 years, from the date of consent.

Note – the OIO will impose conditions requiring that you become a non-overseas person by a specific date. Do not make an ‘intention to reside in New Zealand’ application if you do not have definite plans to live in New Zealand. Contact the OIO before submitting your application if your plans do not align with the expectations set in the 2017 Directive Letter.

Visas

Do all the ROP/IWC individuals hold a residence class visa or an entrepreneur visa (refer para 24.1 of the [Directive Letter](https://www.linz.govt.nz/sites/default/files/media/doc/oio_directive-letter_20171128.pdf))?

Required Content:

Confirmation that each relevant individual holds a relevant visa including details of the type of visa and when it was granted (e.g. Investor Visa – Investor 2 Category). Note that having a visa application approved in principle by Immigration New Zealand does not mean that you have a visa.

Required attachment to be uploaded:

* A copy of the relevant visa.
1.

Intention to reside

Have the ROP/IWC individuals taken actions consistent with an intention to reside in NZ within 12 months (i.e. describe actions taken) (refer para 24.2 of the [Directive Letter](https://www.linz.govt.nz/sites/default/files/media/doc/oio_directive-letter_20171128.pdf))?

Required Content:

Describe actions taken that evidence your intention to reside in New Zealand within 12 months (e.g. booked flights, selling property/assets in your home country, moving personal possessions, transferring superannuation, making long term investments in New Zealand (e.g. establishing a business), obtaining a new job in New Zealand, becoming a tax resident in New Zealand, enrolling children in local schools).

Required attachment to be uploaded:

Documentation evidencing the actions taken

Do the ROP/IWC individuals have other intentions for future actions consistent with an intention to reside in New Zealand within 12 months (i.e. describe actions planned) (refer para 24.2 of the [Directive Letter](https://www.linz.govt.nz/sites/default/files/media/doc/oio_directive-letter_20171128.pdf))?

Required Content:

Describe actions taken that evidence your intention to reside in New Zealand within 12 months (such as the examples provided above).

Required attachment to be uploaded:

Documentation evidencing the actions planned (to the extent available).

Becoming ordinarily resident in New Zealand

Will all the ROP/IWC individuals become ordinarily resident in New Zealand (and therefore non-overseas persons) within 2 years (refer para 5 of the [Directive Letter](https://www.linz.govt.nz/sites/default/files/media/doc/oio_directive-letter_20171128.pdf))?

Required Content:

* The date by which all ROP/IWC individuals will become ordinarily resident in New Zealand and become non-overseas persons.
* If any ROP/IWC individual holds an entrepreneur visa, then identify when they will be eligible to apply for a residence class visa. The Directive Letter acknowledges that entrepreneur visa holders may require more than 2 years to become ordinarily resident in New Zealand.

Note – Applicants who hold an entrepreneur visa and cannot become ordinarily resident in New Zealand within 2 years should contact the OIO before making an application.

Section 7: Transaction of National Interest

Use this section if you have identified that the transaction:

* is a transaction of national interest under section 20A of the Act
* is likely to be a transaction of national interest under section 20B of the Act and considering the [Ministerial Directive Letter](https://www.linz.govt.nz/overseas-investment/about-overseas-investment-office/legislation-ministers-delegated-powers).

**Required content:**

Provide the following:

Section 20A

Submissions on why the transaction is a transaction of national interest under section 20A.

* Why you consider that the transaction involves a Strategically Important Business, and/or
* Full ownership details if the investment is being made by a non-New Zealand government investor.

Section 20B

Submissions on why the transaction may be a transaction of national interest under 20B of the Act.

1. Response

Section 8: General

Use this section to add additional information and comments including any special requirements regarding confidentiality.

The OIO is subject to the Official Information Act 1982. If you wish to request confidentiality you must make direct reference to the provisions of the Official Information Act 1982 that you consider justify the withholding of the information. Review our [website](https://www.linz.govt.nz/regulatory/overseas-investment/applying-for-consent-purchase-new-zealand-assets/preparing-your-application-oio/privacy-and-confidentiality-application-information) and the [practice guidelines](http://www.ombudsman.parliament.nz/resources-and-publications/guides/official-information-legislation-guides) issued by the Office of the Ombudsman before making a request. Our standard process is to consider any request you make, and to consult with you, before releasing or publishing your information.

1. Response

Click or tap here to enter text.

List of Appendices

Use this table to list all appendices uploaded with your application. Please name your appendices beginning with ‘Appendix 01’ etc.

|  |  |
| --- | --- |
| Appendix 01 | Investment Plan |
| Appendix 02 | Ownership and control structure diagram |
| Appendix 03 | Click or tap here to enter text. |
| Appendix 04 | Click or tap here to enter text. |
| Appendix 05 | Click or tap here to enter text. |