

## FATCA status of NZ trusts that are not U.S. persons

Step	Question	If yes, then	If no, then
1.	Is the trust a New Zealand resident (or a NZ branch)?	Go to step 2	The trust is not a NZ financial institution for the purposes of the IGA. The trust's FATCA status will be determined under either another IGA or (if the trust is resident in a non-IGA country) the U.S. Treasury Regulations.
2.	Does the trust carry on a business?	Go to step 3	Go to step 4
3.	Is the trust any of the following? <ul style="list-style-type: none"> <li>• An in business investment entity;</li> <li>• A custodial institution;</li> <li>• A depository institution; or</li> <li>• A specified insurance company.</li> </ul>	Go to step 5	Go to step 4
4.	Is the trust managed by an investment entity?	Go to step 5	The trust is a NFFE for the purposes of the IGA
5.	<u>Prima facie</u> , the trust is a NZ financial institution under the Inter-governmental Agreement (IGA) definitions:  <i>Has the trust decided under Article 4(7) of the IGA to use a definition in the U.S. Treasury Regulations (in lieu of a corresponding definition in the IGA) to determine its status?</i>	Go to step 6	The trust is a NZ financial institution for the purposes of the IGA
6.	Is the trust a NZ financial institution <u>after</u> applying the relevant definition in the U.S. Treasury Regulations?	The trust is a NZ financial institution for the purposes of the IGA	The trust is a NFFE for the purposes of the IGA