



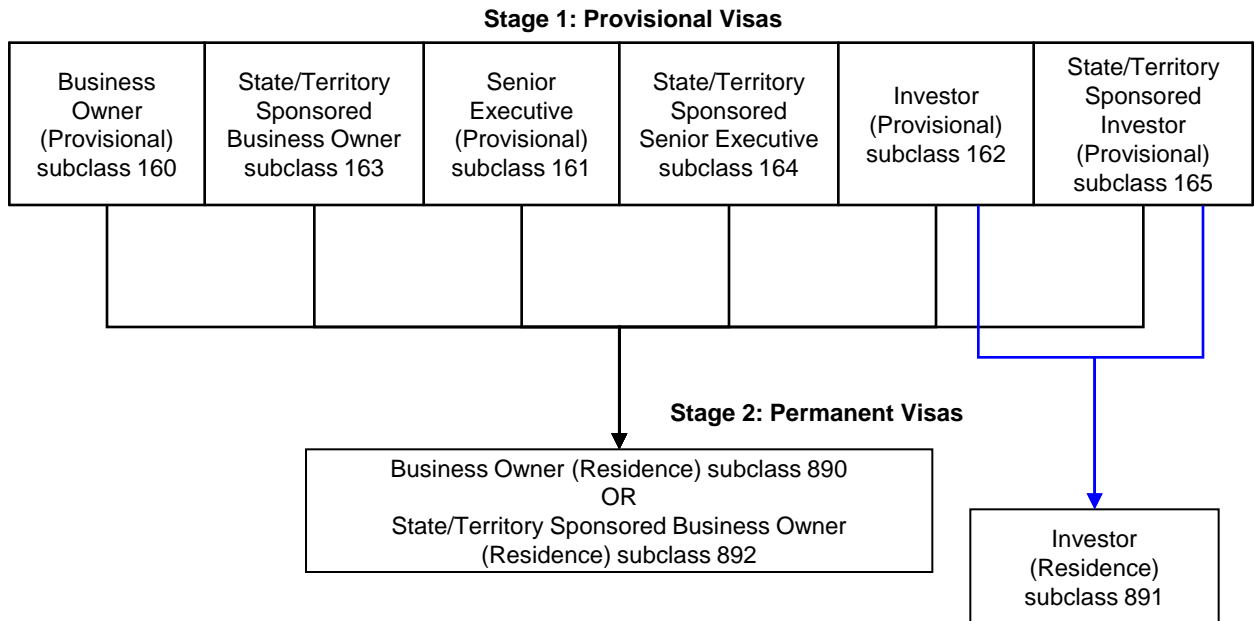
Two-Stage Business Visas

Two-Stage Business Visa and Their Subclasses

- First-Stage Provisional Visas are made up of 3 categories:
 - Business Owner
 - Senior Executive
 - Investor
- Second-Stage Residence visas. These permanent residency visas are only available to holders of First-Stage Provisional Visas
 - Business Owner (Residence)
 - Investor (Residence)

For prospective business stream migrants that are not eligible for the Direct Permanent Residency stream, there is a 2-stage arrangement. Business migrants are granted a Business Skills Provisional or Temporary Visa for 4 years. After establishing the required level of business experience or maintaining their eligible investment in Australia, they are eligible to make an application for a Business Skills Permanent Residence Visa.

Two-Stage Business Visa Process



Provisional Business Visas are the pathway to all other Permanent Business Visas. They provide business professionals with an opportunity to gain the Australian business or investment experience required for the permanent residency subclasses.

Two-Stage Business Visas

First Stage - Business Owner (Provisional) Visas

There are 2 visa options under this category. Visa applicants are granted certain concessions by the Immigration Department if they are sponsored by a State or Territory government.

Criterion	Summary Requirements - Business Owner (subclass 160)	Summary Requirements - State/Territory Sponsored Business Owner (subclass 163)
Business background	<ul style="list-style-type: none"> Overall successful business career 	<ul style="list-style-type: none"> Overall successful business career
Net assets in Qualifying Business*	<ul style="list-style-type: none"> Applicant and/ or spouse held assets of AUD\$200,000 for 2 out of last 4 fiscal years 	<ul style="list-style-type: none"> Not mandatory
Shareholding in Qualifying Business*	<ul style="list-style-type: none"> For at least 2 out of last 4 years, applicant and/or spouse must have owned at least: <ul style="list-style-type: none"> 51 per cent of the qualifying business where the turnover is less than AUD\$400,000 per annum; or 30 per cent of the qualifying business where the turnover is AUD\$400,000 or more per annum; or 10 per cent where the business is a publicly listed company 	<ul style="list-style-type: none"> For at least 2 out of last 4 years, applicant and/or spouse must have owned at least: <ul style="list-style-type: none"> 51 per cent of the qualifying business where the turnover is less than AUD\$400,000 per annum; or 30 per cent of the qualifying business where the turnover is AUD\$400,000 or more per annum; or 10 per cent where the business is a publicly listed company
Annual turnover: main business	<ul style="list-style-type: none"> For at least 2 out of last 4 fiscal years applicant's main business/es had annual turnover of at least AUD\$500,000 	<ul style="list-style-type: none"> For at least 2 out of the last 4 fiscal years applicant's main business/es had annual turnover of at least AUD\$300,000
Net assets: business and personal	<ul style="list-style-type: none"> Applicant and/ or spouse hold assets of AUD\$800,000 lawfully acquired and capable of being transferred to Australia within 2 years 	<ul style="list-style-type: none"> Applicant and/ or spouse hold assets of AUD\$500,000 lawfully acquired, available for conduct or establishment of business in Australia, and capable of being transferred to Australia within 2 years
Net assets: settlement	<ul style="list-style-type: none"> Applicant and/or spouse have sufficient net assets to settle in Australia 	<ul style="list-style-type: none"> Applicant and/or spouse have sufficient net assets to settle in Australia as determined by sponsoring authority
Role in business	<ul style="list-style-type: none"> If business provides technical, professional or trade services, the applicant spent not more than 50% of their time directly providing those services 	<ul style="list-style-type: none"> If business provides technical, professional or trade services, the applicant spent not more than 50% of their time directly providing those services
State/Territory government	<ul style="list-style-type: none"> Has notified appropriate regional authority in state/territory regarding history and business intentions in Australia 	<ul style="list-style-type: none"> Sponsorship by appropriate regional authority required
Genuine business commitment	<ul style="list-style-type: none"> To establish or participate in active management of qualifying business in Australia and maintain substantial ownership interest* 	<ul style="list-style-type: none"> To establish or participate in active management of qualifying business in Australia and maintain substantial ownership interest*
Nil unacceptable business activity	<ul style="list-style-type: none"> Neither applicant nor spouse has history of unacceptable business activities 	<ul style="list-style-type: none"> Neither applicant nor spouse has history of unacceptable business activities
Need to be in Australia	<ul style="list-style-type: none"> Demonstrates need to be in Australia to conduct or establish business activity in Australia 	<ul style="list-style-type: none"> Demonstrates need to be in Australia to conduct or establish business activity in Australia
Age	<ul style="list-style-type: none"> Under 45 years of age 	<ul style="list-style-type: none"> Under 55 years of age unless business is endorsed by sponsoring state/territory government as being of exceptional economic benefit
English	<ul style="list-style-type: none"> Vocational English* 	<ul style="list-style-type: none"> No requirement
Signed declaration	<ul style="list-style-type: none"> Understands obligations as holder of subclass 160 visa 	<ul style="list-style-type: none"> Understands obligations as holder of subclass 163 visa
Health	<ul style="list-style-type: none"> Meets applicable health* standards 	<ul style="list-style-type: none"> Meets applicable health* standards
Character	<ul style="list-style-type: none"> Meets applicable character* standards 	<ul style="list-style-type: none"> Meets applicable character* standards

Note: Underlined text and asterisk(*) indicate terms defined in our web site's migration dictionary please see:

<http://www.visalawyersaustralia.com.au/Content/Common/pg-Dictionary.seo>

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Two-Stage Business Visas

First Stage - Senior Executive (Provisional) Visas

There are 2 visa options under this category. Visa applicants are granted certain concessions by the Immigration Department if they are sponsored by a State or Territory government.

Criterion	Summary Requirements - Senior Executive (Provisional) - subclass 161	Summary Requirements - State/Territory Sponsored Senior Executive (Provisional) - subclass 164
Business background	<ul style="list-style-type: none"> Overall successful business career 	<ul style="list-style-type: none"> Overall successful business career
Role in business	<ul style="list-style-type: none"> For at least 2 out of last 4 fiscal years applicant has occupied position in 3 of the highest management levels and been responsible for strategic policy development in a major business 	<ul style="list-style-type: none"> For at least 2 out of last 4 fiscal years applicant has occupied position in 3 of the highest management levels and been responsible for strategic policy development in a major business
Net assets: business and personal	<ul style="list-style-type: none"> Applicant and/ or spouse hold assets of AUD\$800,000 lawfully acquired and capable of being transferred to Australia within 2 years 	<ul style="list-style-type: none"> Applicant and/ or spouse hold assets of AUD\$500,000 lawfully acquired, available for the conduct or establishment of the business and capable of being transferred to Australia within 2 years
Net assets: settlement	<ul style="list-style-type: none"> Applicant and/or spouse have sufficient net assets to settle in Australia of at least AUD\$100,000 	<ul style="list-style-type: none"> Applicant and/or spouse have sufficient net assets to settle in Australia as determined by sponsoring regional authority
State/Territory government	<ul style="list-style-type: none"> Has notified appropriate regional authority in state/ territory regarding history and business intentions in Australia 	<ul style="list-style-type: none"> Sponsorship by appropriate regional authority required
Genuine business commitment	<ul style="list-style-type: none"> To establish or participate in active management of Qualifying Business in Australia and maintain substantial <u>ownership interest</u>* 	<ul style="list-style-type: none"> To establish or participate in active management of Qualifying Business in Australia and maintain substantial <u>ownership interest</u>*
Nil unacceptable business activity	<ul style="list-style-type: none"> Neither applicant nor spouse has history of unacceptable business activities 	<ul style="list-style-type: none"> Neither applicant nor spouse has history of unacceptable business activities
Need to be in Australia	<ul style="list-style-type: none"> Demonstrates need to be in Australia to conduct or establish business activity in Australia 	<ul style="list-style-type: none"> Demonstrates need to be in Australia to conduct or establish business activity in Australia
Age	<ul style="list-style-type: none"> Under 45 years of age 	<ul style="list-style-type: none"> Under 55 years of age unless business is endorsed by sponsoring state/territory government as being of exceptional economic benefit
English	<ul style="list-style-type: none"> <u>Vocational English</u>* 	<ul style="list-style-type: none"> No requirement
Signed declaration	<ul style="list-style-type: none"> Understands obligations as holder of subclass 161 visa 	<ul style="list-style-type: none"> Understands obligations as holder of subclass 164 visa
Health	<ul style="list-style-type: none"> Meets applicable <u>health</u>* standards 	<ul style="list-style-type: none"> Meets applicable <u>health</u>* standards
Character	<ul style="list-style-type: none"> Meets applicable <u>character</u>* standards 	<ul style="list-style-type: none"> Meets applicable <u>character</u>* standards

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Two-Stage Business Visas

First Stage - Investor (Provisional) visas

There are 2 visa options under this category. Visa applicants are granted certain concessions by the Immigration Department if they are sponsored by a State or Territory government.

Criterion	Summary Requirements - Investor (Provisional) - subclass 162	Summary Requirements - State/Territory Sponsored Investor (Provisional) - subclass 165
Business background	<ul style="list-style-type: none"> Overall successful Qualifying Business* activity OR Eligible investment activity 	<ul style="list-style-type: none"> Overall successful Qualifying Business* activity OR Eligible investment activity
Role in business	<ul style="list-style-type: none"> For at least 3 years applicant has directly managed 1 or more Qualifying Business* or eligible investments; WITH High level of management skill in business activity/ eligible investment 	<ul style="list-style-type: none"> For at least 3 years applicant has directly managed 1 or more Qualifying Business* or eligible investments; WITH High level of management skill in business activity/ eligible investment
Net assets: business and personal	<ul style="list-style-type: none"> Applicant and/ or spouse hold assets of AUD\$2,250,000 and held for 2 fiscal years immediately before application is made 	<ul style="list-style-type: none"> Applicant and/ or spouse hold assets of AUD\$1,125,000 and held for 2 fiscal years immediately before application is made
Ownership of assets in business	<ul style="list-style-type: none"> For at least 1 of last 5 fiscal years applicant: <ul style="list-style-type: none"> Had direct management role in Qualifying Business* where applicant and/or spouse have 10% ownership; OR Has managed eligible investments of applicant and/ or spouse with net value of at least AUD\$1,500,000 	<ul style="list-style-type: none"> For at least 1 of last 5 fiscal years applicant: <ul style="list-style-type: none"> Had direct management role in Qualifying Business* where applicant and/or spouse have 10% ownership; OR Has managed eligible investments of applicant and/ or spouse with net value of at least AUD\$750,000
State/Territory government	<ul style="list-style-type: none"> Has notified appropriate regional authority in state/ territory regarding history and business intentions in Australia 	<ul style="list-style-type: none"> Sponsorship by appropriate regional authority required
Genuine business commitment	<ul style="list-style-type: none"> To maintain business/investment activity after designated investment has matured 	<ul style="list-style-type: none"> To maintain business/investment activity after designated investment has matured
Nil unacceptable business activity	<ul style="list-style-type: none"> Neither applicant nor spouse has history of unacceptable business activities 	<ul style="list-style-type: none"> Neither applicant nor spouse has history of unacceptable business activities
Age	<ul style="list-style-type: none"> Under 45 years of age 	<ul style="list-style-type: none"> Under 55 years of age unless business is endorsed by sponsoring state/territory government as being of exceptional economic benefit
English	<ul style="list-style-type: none"> Vocational English* 	<ul style="list-style-type: none"> No requirement
Signed declaration	<ul style="list-style-type: none"> Understands obligations as holder of subclass 162 visa 	<ul style="list-style-type: none"> Understands obligations as holder of subclass 165 visa
Investment in Australia (determined at time of decision)	<ul style="list-style-type: none"> AUD\$1,500,000 in a Designated Investment* 	<ul style="list-style-type: none"> AUD\$750,000 in a Designated Investment*
Health	<ul style="list-style-type: none"> Meets applicable health* standards 	<ul style="list-style-type: none"> Meets applicable health* standards
Character	<ul style="list-style-type: none"> Meets applicable character* standards 	<ul style="list-style-type: none"> Meets applicable character* standards

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Two-Stage Business Visas

Second Stage - Business Owner (Residence) visas

These permanent residency visas are only available to holders of First-Stage Provisional Visas.

There are 2 visa options under this category. Visa applicants are granted certain concessions by the Immigration Department if they are sponsored by a State or Territory government.

Criterion	Summary Requirements - Business Owner (Residence) - subclass 890	Summary Requirements - State/Territory Sponsored Business Owner (Residence) - subclass 892
Ownership interest*	<ul style="list-style-type: none"> In 1 or more of applicant's main business(es) actively operating in Australia for at least 2 years before application made 	<ul style="list-style-type: none"> In 1 or more of applicant's main business(es) actively operating in Australia for at least 2 years before application made
Legal status	<ul style="list-style-type: none"> Business has: <ul style="list-style-type: none"> – ABN – All BAS statements for the 2 year period submitted to ATO 	<ul style="list-style-type: none"> Business has: <ul style="list-style-type: none"> – ABN – All BAS statements for the 2 year period submitted to ATO
Business & personal assets and employees	<ul style="list-style-type: none"> Meets ALL of the following 3 criteria: <ul style="list-style-type: none"> – Net business assets of applicant and/ or spouse of AUD\$100,000 for 12 months before application made – Net personal and business assets of applicant and/ or spouse of AUD\$250,000 for 12 months before application made – 2 full time Australian/ New Zealander employees for 12 months before application is made 	<ul style="list-style-type: none"> Meets 2 or more of the following 3 criteria unless appropriate regional authority provides waiver: <ul style="list-style-type: none"> – Net business assets of applicant and/ or spouse of AUD\$75,000 for 12 months before application made – Net business assets of applicant and/ or spouse of AUD\$250,000 for 12 months before application made – 1 full time Australian/ New Zealander employee for 12 months before application is made
Annual turnover: business	<ul style="list-style-type: none"> In 12 months before application made, applicant's main business/es have annual turnover of at least \$300,000 	<ul style="list-style-type: none"> In 12 months before application made, applicant's main business/es have annual turnover of at least \$200,000, unless exception applies
Residential requirement	<ul style="list-style-type: none"> At least 1 out of 2 years holding provisional visa subclasses 160 -165 	<ul style="list-style-type: none"> At least 1 out of 2 years holding provisional visa subclasses 160 -165 or comes within limited exceptions
State/Territory Government	<ul style="list-style-type: none"> No requirement 	<ul style="list-style-type: none"> Sponsorship by appropriate regional authority required
Nil unacceptable business activity	<ul style="list-style-type: none"> Neither applicant nor spouse has history of unacceptable business activities 	<ul style="list-style-type: none"> Neither applicant nor spouse has history of unacceptable business activities
Health	<ul style="list-style-type: none"> Meets applicable health* standards 	<ul style="list-style-type: none"> Meets applicable health* standards
Character	<ul style="list-style-type: none"> Meets applicable character* standards 	<ul style="list-style-type: none"> Meets applicable character* standards

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Two-Stage Business Visas

Second Stage - Investor (Residence) visas

These permanent residency visas are only available to holders of First-Stage Provisional Visas.

There are 2 visa options under this category.

Criterion	Summary Requirements - Investor (Residence) - subclass 891	Summary Requirements - State/Territory Sponsored Investor (Residence) - subclass 893
Realistic commitment	<ul style="list-style-type: none"> To continue to maintain business/investment activity in Australia 	<ul style="list-style-type: none"> To continue to maintain business/investment activity in Australia
<u>Designated investment*</u> (as required by relevant provisional visa)	<ul style="list-style-type: none"> Continuously held in applicant's and/or spouse's name for at least 4 years 	<ul style="list-style-type: none"> Continuously held in applicant's and/or spouse's name for at least 4 years
Nil unacceptable business activity	<ul style="list-style-type: none"> Neither applicant nor spouse has history of unacceptable business activities 	<ul style="list-style-type: none"> Neither applicant nor spouse has history of unacceptable business activities
Residential requirement	<ul style="list-style-type: none"> At least 2 out of 4 years residence in Australia as the holder of an investor (provisional) subclasses 162 visa 	<ul style="list-style-type: none"> At least 2 out of 4 years residence in sponsoring State/Territory as the holder of an investor (provisional) subclasses 165 visa
State/Territory Government	<ul style="list-style-type: none"> No requirement 	<ul style="list-style-type: none"> Sponsorship by appropriate regional authority required
Health	<ul style="list-style-type: none"> Meets applicable health* standards 	<ul style="list-style-type: none"> Meets applicable health* standards
Character	<ul style="list-style-type: none"> Meets applicable character* standards 	<ul style="list-style-type: none"> Meets applicable character* standards

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