

# **ACT NOMINATION GUIDELINES**

## **BUSINESS MIGRATION NOVEMBER 2022**

The Australian Capital Territory (ACT) Government welcomes overseas investment in Canberra, Australia's national capital, a city of innovation and opportunity.

Your business / entrepreneurial venture can take advantage of a strong and stable economy that offers investors a pro-business culture actively supported by the ACT Government.

Successful businesspeople can apply for ACT Nomination of a Business Innovation and investment (provisional) (subclass 188) visa to establish or purchase a business in Canberra. ACT Nomination triggers the visa invitation from the Department of Home Affairs.

This visa has five streams:

- A. Business Innovation stream: this is a provisional (5 year) visa for people with business skills who want to invest at least \$200,000 to establish or purchase a business in Canberra.
  - Business Innovation extension: holders of a 188 visa can apply for a two-year visa extension to help them meet the criteria for a permanent subclass 888 visa.
- B. Investor stream: this is a provisional (5 year) visa for people who want to invest \$2.5 million into complying investments that is of economic benefit to Canberra.
- C. Significant Investor stream. This is a provisional (5 year) visa for people who want to invest \$5 million into a complying investment that is of economic benefit to Canberra.
- D. Premium Investor stream: ACT does not participate in this stream.
- E. Entrepreneur stream. This is a provisional (5 year) visa for people who are undertaking, or proposing to undertake, an entrepreneurial venture in Canberra.

### **How to apply for ACT 188 nomination**

You must be invited to apply for ACT 188 nomination. After carefully checking that you meet the 188 eligibility criteria, you can request an invitation to apply by emailing [migrationservices@act.gov.au](mailto:migrationservices@act.gov.au) and explain how your proposed business will be of economic benefit to the ACT. Also let us know if you have close family members living in Canberra.

## ACT 188 A nomination - Business Innovation stream

This visa is for businesspeople who want to invest a minimum \$200,000 to establish or purchase a business in Australia. If you are seeking an ACT 188 nomination, you must demonstrate the proposed business plan is viable and will be of economic benefit to the Territory. In addition, you must meet the following criteria:

- Meet Department of Home Affairs criteria for a Business Innovation and Investment (Provisional) (subclass 188) visa – Business Innovation stream.
- Plan to invest a minimum \$200,000 to purchase or establish a business that will be viable and of economic benefit to the ACT.
- Make a personal commitment, and have sufficient personal funds, to settle in Canberra upon grant of the subclass 188 visa.
- Sign a declaration acknowledging the ACT nomination obligations as the holder of a Business Innovation and investment (provisional) (subclass 188) visa.

## Document checklist

If you are invited to apply for ACT nomination, you will receive an email with the weblink to the online application form. You must attach the following information:

- *SkillSelect* EOI: full EOI record of response.
- Your resume or Curriculum Vitae.
- ACT Business Proposal (no more than five pages); including:
  - Proposed ACT business investment activity.
  - Economic benefit – explain how the proposed business will be of economic benefit to the ACT.
  - Economic viability – explain what market research or study you have undertaken into the relevant sectors in the ACT.
  - Financial viability – explain the expected costs of establishing or purchasing the business and financial projections for the first two years.
  - Describe any Australian business activities that you have an interest in, including your period of ownership (*if any*).
- Summary of your successful business career (no more than one page).
- Evidence of your current business activity:
  - Business registration certificate or licence and evidence of share of ownership.
  - Full set of financial statement.

- Documentary evidence of business involvement – organisation chart; photographs of business premises and business activities (no more than six photos).
- A current Department of Home Affairs form 1139A - Statement of Assets and Liabilities Position.
- Signed declaration acknowledging the ACT nomination obligations as the holder of a subclass 188 visa.
- Copy of passport bio-data page (and Australian visas if any) for main applicant and dependents.
- Service fee: \$600.

*Please note that documents in languages other than English MUST be accompanied by an English translation, completed by an accredited translator.*

## ACT 188 B nomination: Investor Stream

This visa is for people who are willing to invest at least \$2.5 million into a complying investment in Australia.

If you are seeking ACT nomination, you must meet the following criteria:

- Meet Department of Home Affairs criteria for a Business Innovation and Investment (Provisional) (subclass 188) visa – Investor stream.
- Commit to:
  - Investing part of your complying investments in the ACT
  - Investing through (approved) managed funds that are registered with the Australian Securities & Investment Commission
- Demonstrate your proposed complying investments are viable in, and are of economic benefit to, the ACT through an investment plan. The investment plan must also outline any additional investment activity you plan to engage in, outside of the complying investment.
- Sign a declaration acknowledging the ACT nomination obligations as the holder of a Business Innovation and investment (provisional) (subclass 188) visa.

### Document checklist

If you are invited to apply for ACT nomination, you will receive an email with the weblink to the online application form. You must attach the following information:

- *SkillSelect* EOI: full record of EOI response.
- An overview of your proposed (complying) investment intentions in Australia and the ACT through an Investment plan, which should include:
  - a commitment to investing part of your complying investments in the ACT and investing through (approved) managed funds that are registered with the Australian Securities & Investment Commission
  - a statement outlining your intended complying investment activities with (*if applicable*) evidence of such intentions as well as other investment intentions you may have
  - a description of your investment research or study in relevant economic sectors of opportunity in the ACT
  - a summary of how the intended complying investments and/or business activities are of economic benefit to the ACT.
- A current Department of Home Affairs form 1139A - *Statement of Assets and Liabilities Position*.
- Your resume or Curriculum Vitae (CV).

- Copy of passport bio-data page (and Australian visas if any) for main applicant and dependents.
- Signed declaration acknowledging the ACT nomination obligations as the holder of a subclass 188 visa.
- Service fee: \$600.

*Please note that all documents in languages other than English MUST be accompanied by an English translation, completed by an accredited translator.*

## ACT 188 C nomination: Significant Investor Stream

This visa is for people who are willing to invest at least \$5 million into a complying investment in Australia.

If you are seeking ACT nomination, you must meet the following criteria:

- Meet Department of Home Affairs criteria for a Business Innovation and Investment (Provisional) (subclass 188) visa – Significant Investor stream.
- Commit to:
  - Investing part of your complying investments in the ACT
  - Investing through (approved) managed funds that are registered with the Australian Securities & Investment Commission
- Demonstrate your proposed complying investments are viable in, and of economic benefit to, the ACT through an investment plan. The investment plan must also outline any additional investment activity you plan to engage in outside of the complying investment.
- Sign a declaration acknowledging the ACT nomination obligations as the holder of a Business Innovation and investment (provisional) (subclass 188) visa.

### Document checklist

If you are invited to apply for ACT nomination, you will receive an email with the weblink to the online application form. You must attach the following information:

- *SkillSelect* EOI: full record of EOI response.
- An overview of your proposed (complying) investment intentions in Australia and the ACT through an Investment plan, which should include:
  - a commitment to investing part of your complying investments in the ACT and investing through (approved) managed funds that are registered with the Australian Securities & Investment Commission
  - a statement that outlines your intended complying investment activities with (*if applicable*) evidence of such intentions as well as other investment intentions you may have
  - a description of your research or study in relevant sectors in the ACT
  - a summary of how the intended complying investments and/or business activities are of economic benefit to the ACT.
- A current Department of Home Affairs form 1139A - *Statement of Assets and Liabilities Position*.
- Your resume or Curriculum Vitae (CV).

- Copy of passport bio-data page (and Australian visas if any) for main applicant and dependents.
- Signed declaration acknowledging the ACT nomination obligations as the holder of a subclass 188 visa.
- Service fee: \$600.

## ACT 188 E nomination: Entrepreneur Stream

This visa is for businesspeople who are undertaking, or proposing to undertake, an entrepreneurial venture in Australia.

If you are seeking ACT nomination, the entrepreneurial activity must relate to an innovative idea that is proposed to lead to the commercialisation of a new or improved product or service or the development of a new enterprise of business. This visa is not for individuals seeking to establish a regular business.

If you want to apply for ACT nomination, you must meet certain criteria. These include the following:

- Meet Department of Home Affairs criteria for a Business Innovation and Investment (Provisional) (subclass 188) visa – Entrepreneur stream
- Undertake, or propose to undertake, entrepreneurial activity in the ACT that relates to an innovative idea that will lead to the commercialisation of a product or service or the development of an enterprise of business in Canberra. The entrepreneurial venture must not be related to residential real estate, labour hire or involve purchasing an existing business or franchise.
- Demonstrate that the proposed entrepreneurial venture will be viable and of economic benefit to the ACT through both a product or services development plan and a business plan.
- Sign a declaration acknowledging the ACT nomination obligations as the holder of a Business Innovation and investment (provisional) (subclass 188) visa.

### Document checklist

If you are invited to apply for ACT nomination, you will receive an email with the weblink to the online application form. You must attach the following information:

- SkillSelect EOI: full record of EOI response.
- A business plan that describes how your entrepreneurial activity will lead to the viable commercialisation of a product, service, or business in Canberra. Your business plan should briefly outline:
  - Your proposed entrepreneurial activity.
  - The benefits to the ACT and why you chose Canberra.
  - The viability of your proposed entrepreneurial activity through a product or services development plan that should include:
    - Reliable costs, revenue, and sales forecasts
    - Anticipated development and market release timelines



- Identified sources of capital and financial support to demonstrate you can trade solvent.
- Your resume or Curriculum Vitae (CV).
- Signed declaration acknowledging the ACT nomination obligations as the holder of a subclass 188 visa.
- Copy of passport bio-data page (and Australian visas if any) for main applicant and dependents.
- Service fee: \$600.

*Please note that documentary evidence in languages other than English MUST be accompanied by an English translation, completed by an accredited translator.*

## **ACT 188 A nomination - Business Innovation extension**

This visa is for holders of a subclass 188 visa who are seeking a two-year extension of their visa to help them meet the criteria for a permanent subclass 888 visa.

If you are seeking ACT support of the 188-visa extension, you must show that your current ACT nominated business is actively operating and of economic benefit to the Territory. You must meet the following criteria:

- Department of Home Affairs criteria for a Business Innovation and Investment (Provisional) (subclass 188) visa – Business Innovation extension
- Actively operated the ACT nominated business in Canberra for at least two years
- Invested a minimum \$200,000 in the ACT and conducted business activity in accordance with the approved ACT business proposal.
- You complied with your ACT nomination obligations to settle in Canberra as the holder of a subclass 188 visa.

### **Document checklist**

- Short summary (no more than two pages) describing your ACT business activity and why you are seeking an extension of the 188 visa.
- Evidence of minimum \$200,000 investment in accordance with the approved ACT business proposal.
- Evidence that you actively conducted business in accordance with the approved ACT business proposal.
- Copy of passport (bio page and Australian visas if any) for main applicant and dependents
- Service fee: \$600.

## **Service fee:**

A non-refundable service fee is charged for processing applications of nomination of a Business Innovation and Investment visa. The service fee is an administration charge only and does not guarantee the approval of a nomination. The service fee may be paid by one of the following options:

### **Credit Card – pay now or pay later**

- Select 'pay now' on the online application.
- Select 'pay later' and access '[Pay an ACT Government Account](#)' within 14 days to pay the service fee

## **Assessing your application**

We will process all applications in the order they are submitted. In assessing your application, we will check your:

1. SkillSelect EOI to make sure you can apply for the visa.
2. Supporting documents to make sure they support your claim that your business proposal is viable and of economic benefit to the ACT.

When we assess your application, we will only look at the documents that you have attached. We will not accept any additional documents or contact you for additional information.

If your application is approved, we will confirm ACT nomination on your SkillSelect EOI, which triggers the invitation from the Department of Home Affairs to apply for the visa.

ACT nomination does not guarantee that the Business migration visa will be granted.

## **What happens if your application is refused?**

In the case, your application is refused, you will be told why you were unsuccessful. You can ask for reconsideration of decision if an error was made by the case officer. Any request for reconsideration must be in writing, explaining why the decision is wrong.

If we agree to reconsider the decision, we will only re-assess the original documents attached to the application. If you now have a new business proposal, you will need to start the process again requesting for another invitation to apply for ACT 188 nomination.

## Department of Home Affairs visa decision

You must tell us when your visa is granted and your expected arrival date in Canberra by emailing [migrationservices@act.gov.au](mailto:migrationservices@act.gov.au).

## Administrative Appeals Tribunal

Please note that the ACT will not, under any circumstances, appeal to the Administrative Appeals Tribunal against decisions by the Department of Home Affairs to decline granting a visa to any business migration applicants nominated by the ACT.

## Education for Dependents

All Canberra children who are not Australian citizens or permanent residents must pay international student tuition fees. The ACT Education Directorate (ACTED) may agree to waive the tuition fee for dependents of an ACT nominated subclass 188 visa holder if the waiver is supported by Skills Canberra.

You can request a waiver of the school fees after six months ACT business activity by emailing [migrationservices@act.gov.au](mailto:migrationservices@act.gov.au) and providing the following information:

- Documents to evidence ACT business investment.
- Evidence of ACT business activity for the last six months.
- Statement of economic benefit to the Territory.
- Documents to evidence settlement in Canberra (e.g. property lease / purchase and six months of bank statements).

If we are satisfied that your business activity has been of economic benefit to the Territory, we will support the waiver in writing. You can then approach ACTED and request a waiver of the tuition fee. If ACTED agrees, the visa holder will be exempt from paying the tuition fee for the current school year only. If waiver request is unsuccessful, you must pay full international student tuition fees.

## Disclaimer

The ACT Government and its employees are not liable for any inaccuracies or omissions in the information provided to the applicant in the context of their application for Territory nomination.