

Migration Options to Support Investment in South Australia



What you need to know about obtaining visas in Australia for business purposes

Australia has two levels of government that are involved in the processing of certain visas:

COMMONWEALTH GOVERNMENT OF AUSTRALIA (NATIONAL/FEDERAL LEVEL)

SOUTH AUSTRALIAN GOVERNMENT (STATE LEVEL)

The South Australian Government, through Immigration SA, has delegated authority to assess and provide nominations which allow applicants to apply for some visas with the Commonwealth Government. This only applies to some visa categories. The following tables serve as a quick reference guide for the relevant visas which the South Australian Government provide nomination for. The remaining visas are relevant only to the Commonwealth Government.

Department of Immigration and Border Protection (DIBP) – www.immi.gov.au

Immigration SA – www.migration.sa.gov.au

COMMONWEALTH GOVERNMENT OF AUSTRALIA Department of Immigration and Border Protection (DIBP)

Visitor Visa – Business Visitor Stream - (subclass 600)

Temporary Work (Skilled) Visa - (subclass 457)

SOUTH AUSTRALIAN GOVERNMENT Department of State Development (DSD) Immigration SA

Business

Business Talent (Permanent) Visa - (subclass 132)

Business Innovation and Investment (Provisional) Visa - (subclass 188)

Significant Investor (Provisional) Visa - (subclass 188)

Business Innovation and Investment (Permanent) Visa - (subclass 888)

Significant Investor (Permanent) Visa - (subclass 888)

Employer Sponsored Migration

Regional Sponsored Migration Scheme (Permanent) Visa - (subclass 187) – RCB advice for direct entry stream

General Skilled Migration

Skilled Nominated (Permanent) Visa - (subclass 190)

Skilled Regional (Provisional) Visa - (subclass 489)

If you require assistance to lodge an application either with DIBP or Immigration SA, you can access the services of a Migration Agent. The Office of the Migration Agents Registration Authority (MARA) has a full listing of Migration Agents (refer to www.mara.gov.au). The use of a Migration Agent is optional and fees are applicable.

Migration to South Australia

Information for investors and business owners

This fact sheet has been prepared to explain how migration to South Australia is likely to be involved with an investment by your company or by you personally.

Australia's migration program is managed by the Commonwealth Government through DIBP. The majority of visas you will need to apply for will involve only this national government department.

However, the South Australian Government - through the Department of State Development (DSD) business unit Immigration SA - processes nominations related to business migration, employer sponsored migration and general skilled migration which assist in obtaining a visa to South Australia.

Travelling to Australia for business purposes requires you to obtain a visa to be permitted entry. If you are a business person who is looking for investment opportunities or have an interest in visiting South Australia for business purposes this information will be of assistance to you.

Important Information

It is very common for people to use the services of a Migration Agent to assist with language and interpretation. If you wish to engage a migration agent, it is recommended that you use the services of an agent who is registered with the Office of the Migration Agents Registration Authority (MARA), or where this is not possible, one that is accredited in your home country.

For a full listing of Migration Agents please see the Office of the MARA: refer to www.mara.gov.au

If you wish to use an unregistered agent outside Australia, make sure you understand what you can expect from the service they will provide.

Temporary business visas processed by DIBP

The types of temporary visas you and your business will need to apply for to facilitate investment and the establishment of business in South Australia are detailed below. These are Visitor Visa - Business Visitor Stream (subclass 600) (for you and key employees) and the Temporary Business Long Stay Standard Business Sponsorship (subclass 457) for your employees to help set up the business or investment.

Visitor Visa - Business Visitor Stream - (subclass 600)

This visa is available for business people to apply for when there is a need to attend to business activities in Australia such as conferences, business negotiations or an exploratory visit.

How to apply for a Visitor Visa - Business Visitor Stream - (subclass 600) from overseas:

STEP 1 Download checklist

600 checklist link: www.immi.gov.au/visas/visitor/_pdf/600-document-checklist.pdf

STEP 2 Where to Apply

Visa application requirements differ from country to country.

If you are applying outside Australia, your nearest Immigration office outside Australia will tell you exactly how to submit your application and what documents to provide.

Overseas immigration offices

For further information please see the DIBP website:

www.immi.gov.au/contacts/overseas/

STEP 3 How to apply

For useful information on the application process please see the DIBP website:

www.immi.gov.au/visas/visitor/600/applicants.htm

Please contact your nearest Australian embassy/consulate for current processing times for the short stay business visa.

STEP 4 Visa is processed

Temporary Work (Skilled) Visa - (subclass 457)

This visa is designed to enable employers to address labour shortages by bringing in genuinely skilled workers where they cannot find appropriately skilled Australians. This visa allows businesses to employ overseas workers for up to four years in skilled occupations. The visa is a two-stage visa process where the employer will nominate the employee and then the employee will submit a visa application. This visa is commonly used as a pathway to permanent residency.

How to apply for a Temporary Work (Skilled) Visa - (subclass 457) visa:

STEP 1 Employer applies to be a sponsor - download sponsor checklist

The employer must complete an application to become a sponsor. Sponsorship is required to prove that the business sponsoring the temporary visa holder has the capacity to do so and is a reputable operating business.

Sponsor checklist link: www.immi.gov.au/skilled/skilled-workers/_pdf/457-sponsor-checklist.pdf

STEP 2 Employer nominates a position - download Nomination checklist

The employer must nominate the position to be filled.

The nomination process allows the employer to outline the position to be filled, the skills and experience required, appropriate wages offered and the name of the prospective overseas employee.

Nomination checklist link: www.immi.gov.au/skilled/skilled-workers/_pdf/457-nomination-checklist.pdf

STEP 3 Employee applies for a visa

Once the sponsorship and nomination have been submitted to DIBP the prospective employee must apply for a visa to be allowed to work in Australia.

For further information please see the DIBP website:

www.immi.gov.au/skilled/skilled-workers/sbs/

If these visas are not suitable for you or you would like to look at more options you can visit the DIBP website and use this summary of visa options. Please see the DIBP website:

www.immi.gov.au/skilled/_pdf/overseas-options.pdf

Or use the visa wizard which will assist in finding the right visa for you. Visa Wizard weblink:

www.immi.gov.au/visawizard/

STEP 4 Visa is processed

Migration programs with South Australian government involvement

Immigration SA, a dedicated business unit within DSD, is responsible for assisting DIBP in facilitating three migration programs. These three programs aim to: provide employers with access to a skilled workforce, facilitate business and investment to build industry capability, and support the expansion of resources and related service industries.

The skilled immigration programs contribute directly to meeting employer skills. Migration enhances the range of labour skills available within South Australia and will be crucial to realising the benefits of major projects across the state.

The Business Innovation and Investment Migration program enables eligible individuals to live and undertake investments in South Australia to achieve objectives in job creation, business investment, enhanced industry capability and export dollars.

Eligible business and skilled migrants may apply to Immigration SA for nomination which facilitates the visa grant from the Australian government.

The following is an overview of the visa nominations on offer through Immigration SA for business and skilled migrants. It is important to note that a nomination is just the first step in the process for obtaining a visa by the national government.

Visa categories that Immigration SA are authorised to provide nominations for are as follows:

Business Migration

- **Business Talent (Permanent) Visa - (subclass 132)**

- **Business Innovation and Investment (Provisional) Visa - (subclass 188)**
- **Business Innovation and Investment (Permanent) Visa - (subclass 888)**
- **Significant Investor (Provisional) Visa - (subclass 188)**
- **Significant Investor (Permanent) Visa - (subclass 888)**

Employer Sponsored Migration

- **Regional Sponsored Migration Scheme (Permanent) (subclass 187)**

General Skilled Migration

- **Skilled Nominated (Permanent) Visa - (subclass 190)**
- **Skilled Regional (Provisional) Visa - (subclass 489)**

Business Migration

Business Talent (Permanent) Visa - (subclass 132)

Highly successful business applicants can apply for this permanent visa to establish a business in South Australia that will provide significant ongoing benefits to the South Australian economy.

For further information please see the DIBP website:

www.immi.gov.au/Visas/Pages/checklists/132.aspx

For South Australian Government requirements please see the Immigration SA website:

www.migration.sa.gov.au/business-migrants/business-visa-options/business-talent-subclass-132

Business Innovation and Investment (Provisional) Visa - (subclass 188)

This provisional visa allows business people who have had an overall successful business career and/ or have a successful record of business investment activity to apply through either the Innovation or Investment stream. This visa will allow the visa holder to establish a new or manage an existing business in Australia or make a designated investment within South Australia. This provisional visa is the first stage of the visa process. In order to gain permanent residency the permanent 888 visa must be applied for onshore once all requirements are met.

IMMIGRATION SOUTH AUSTRALIA

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For further information, please contact us at:

Immigration South Australia, GPO Box 320, Adelaide SA 5001, Australia Telephone: +61 8 8303 2420

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www.migration.sa.gov.au



For further information please see the DIBP website:

www.immi.gov.au/skills/skillselect/index/visas/subclass-188/

For South Australian Government requirements please see the Immigration SA website:

www.migration.sa.gov.au/business-migrants/business-visa-options/business-innovation-and-investment-subclass-188-provisional

Business Innovation and Investment (Permanent) Visa - (subclass 888)

This is a second-stage permanent visa that is available to the holder of a qualifying provisional 188 visa to apply for. To be eligible, the applicant must have operated a business or made a designated investment in South Australia and meet both Immigration SA and DIBP criteria.

For further information please see the DIBP website:

www.immi.gov.au/skills/skillselect/index/visas/subclass-888/

For South Australian Government requirements please see the Immigration SA website:

www.migration.sa.gov.au/business-migrants/business-visa-options/business-innovation-and-investment-subclass-888-permanent

Significant Investor (Provisional) Visa - (subclass 188)

This provisional visa is a new visa stream of the Business Innovation and Investment (provisional) visa intended for high net worth individuals, who must invest no less than AUD \$5 million into one or more 'complying investments'.

There is no age limit, points test or English language requirements for this stream. This provisional visa is the first stage of the visa process. In order to gain permanent residency the permanent 888 visa must be applied for onshore once all requirements are met.

For further information please see the DIBP website:

www.immi.gov.au/skilled/business/_pdf/significant-investor.pdf

For South Australian Government requirements please see the Immigration SA website:

<http://www.migration.sa.gov.au/business-migrants/business-visa-options/business-innovation-and-investment-subclass-188-provisional>

Significant Investor (Permanent) Visa - (subclass 888)

This is a second stage permanent visa that is available to the holder of a qualifying provisional 188 visa to apply for. To be eligible the applicant must reside in Australia for at least 160

days, and continue to maintain the eligible investment and business activity. Visa holders can extend their provisional visa term by a further four years if required.

For further information please see the DIBP website:

http://www.immi.gov.au/skilled/business/_pdf/significant-investor-faq.pdf

For South Australian Government requirements please see the Immigration SA website:

www.migration.sa.gov.au/business-migrants/business-visa-options/business-innovation-and-investment-subclass-888-permanent

Employer sponsored migration

Regional Sponsored Migration Scheme (Permanent) Visa - (subclass 187)

This visa is designed to help South Australian employers fill skilled, full time vacancies that they cannot fill from the local labour market. Under this scheme, employers may nominate workers from overseas or temporary residents already in Australia. All South Australia is considered regional for the purposes of applying for this visa and therefore, applicants are required to meet lower threshold requirements in comparison to the Employer Nominated Scheme.

For further information please see the DIBP website:

www.immi.gov.au/skills/skillselect/index/visas/subclass-187/

For Direct Entry applications, for Regional Certifying Body Advice please see the Immigration SA website:

www.migration.sa.gov.au/local-employers/regional-sponsoredmigration-schemedirect-entrysubclass-187

General Skilled Migration

Skilled Nominated (Permanent) visa - (subclass 190)

This visa allows the South Australian Government, through Immigration SA, to nominate suitably qualified candidates. Applicants must meet the DIBP criteria (including the current pass mark), have an occupation that is listed on Immigration SA's State Nominated Occupation Lists and meet the Immigration SA requirements for that occupation. Applicants receive 5 points for state nomination towards meeting the DIBP points test.

For further information please see the DIBP website:

www.immi.gov.au/skills/skillselect/index/visas/subclass-190/

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www.migration.sa.gov.au



For South Australian Government requirements please see the Immigration SA website:

<http://www.migration.sa.gov.au/skilled-migrants/nomination-process/skilled-nomination-requirements>

Skilled Regional (Provisional) Visa (subclass 489)

This visa allows the South Australian Government, through Immigration SA, to nominate suitably qualified candidates. Applicants must meet DIBP criteria (including the current points test pass mark), have an occupation that is listed on Immigration SA's State Nominated Occupation Lists and meet the Immigration SA requirements for that occupation. This is a 4 year visa and applicants who have lived in regional* Australia for 2 years and worked full time for 12 months in that 2 year period, may qualify for permanent residency. Applicants receive 10 points for state nomination towards meeting the DIBP points test.

*The entire State of South Australia is defined as 'regional' and Adelaide is the only mainland State capital included in this definition.

For further information please see the DIBP website:

www.immi.gov.au/skills/skillselect/index/visas/subclass-489/

For South Australian Government requirements please see the Immigration SA website:

<http://www.migration.sa.gov.au/skilled-migrants/nomination-process/skilled-nomination-requirements>

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