

# BUSINESS MIGRATION IN SOUTH AUSTRALIA

## SIGNIFICANT INVESTOR VISA

**South Australian State nomination is available to successful business owners and investors who intend to engage in investment activity in South Australia.**

### The Significant Investor Visa

This is a visa stream for high net worth individuals, who must invest a minimum of AUD \$5 million into Complying Investments for four years.

There are no age limits, points test and flexible English language requirements for this visa stream.

This is a two-stage visa process, commencing with a provisional visa and finishing with permanent residency if all the requirements are achieved whilst on the provisional visa. This visa requires nomination by the South Australian State Government at each stage before lodging a visa application with the Commonwealth Government. Visas are provided through the Department of Home Affairs.

### Stage 1: Provisional Visa Nomination Application

**Visa category: Significant Investor (subclass 188c) Provisional Visa**

Eligible investors are issued a four-year provisional visa during which the main applicant is required to undertake one or more Complying Investments. During that time, they must reside in Australia for at least 160 days. Visa holders can apply to extend their provisional visa to up to eight years if required.

#### Eligibility

To secure State nomination from South Australia for the Significant Investor visa, applicants must Commit to investing at least A\$5 million in complying investments as defined by the Austrade complying investment framework where the complying investment materially benefits the South Australian economy or provide a commitment to South Australia. The intention to achieve one or both requirements are required at the time of application. The name of the fund is also required to be provided at time of application. A commitment is also required to meet in person with Immigration SA within two months of visa activation and provide six monthly updates on activities in South Australia.

## Requirements while holding a provisional visa

The main applicant is not required to but is encouraged to reside in South Australian to meet the 160 day residency requirement.

	Complying Investment	Residency
<p><b><u>Commonwealth requirement</u></b></p>	<p>Significant Investor applicants are required to invest at least AUD \$5 million over four years in complying investments, which must include:</p> <ol style="list-style-type: none"> <li>1. At least \$500,000 in eligible Venture Capital and Growth Private Equity (VCPE) fund(s) investing in start-up and small private companies.</li> <li>2. At least \$1.5 million in an eligible managed fund(s) or Listed Investment Companies (LICs) that invest in emerging companies listed on the Australian Securities Exchange (ASX); and</li> <li>3. A 'Balancing Investment' of up to \$3 million in managed fund(s) or LICs that invest in a combination of eligible assets that include other ASX listed companies, eligible corporate bonds or notes, annuities and real property (subject to the 10% limit on residential real estate).</li> </ol> <p>More details on the Complying investment can be found here:</p> <ul style="list-style-type: none"> <li>• Austrade – Guide to Investing</li> </ul>	<p>Genuinely commit to living in the state or territory that nominates you.</p> <p>160 days in Australia (40 days per year) or spouse live at least 180 days per year for the duration of the visa. Time spent in Australia does not have to be continuous. We calculate the number of days cumulatively.</p> <p>*Note the Commonwealth requirements are a summary.</p>
<p><b>South Australia requirements</b></p>	<p><b>Material Benefit to South Australian Economy</b></p> <p><b>Venture Capital and Growth Private Equity (VCPE) Investment</b></p> <p>The VCPE fund:</p> <ul style="list-style-type: none"> <li>• Invested in South Australian projects, or</li> <li>• Was managed from a South Australian office of the fund provider;</li> </ul> <p><b>Balancing Investment</b></p> <ul style="list-style-type: none"> <li>• A South Australian investment was included in the chosen investments; or</li> <li>• The fund was managed from a South Australian office of the fund provider.</li> </ul>	<p><b>Commitment to South Australia</b></p> <p>Examples of acceptable evidence of the applicant's commitment to live and/or invest in South Australia include:</p> <ul style="list-style-type: none"> <li>• Commercial export activity of South Australian products</li> <li>• Investment in South Australia (in addition to the Complying Investment)</li> <li>• Purchase of a residence in South Australia</li> <li>• Time spent in South Australia</li> <li>• Enrolment of your child(ren) in South Australia education institutions</li> <li>• Whether your spouse or children are living or working in South Australia</li> <li>• Membership with a local organisation and regular attendance at meetings or events</li> <li>• A written statement from the applicant explaining their residence or investment in South Australia.</li> </ul>

## Reporting Obligations

These are detailed on the Immigration SA website and cover maintaining current contact details, meeting in person with Immigration SA after visa activation and providing regular updates on your activities in South Australia.

## Stage 2: Permanent Visa Nomination Application

### Visa Category: Significant Investor (subclass 888c) Permanent Visa

After completing the requirements of the provisional visa, a permanent residency visa is available to enable applicants to maintain business and investment activity in Australia.

#### Eligibility

	Complying Investment	Residency
<b>Commonwealth requirement</b>	<p>Provide evidence:</p> <ul style="list-style-type: none"> <li>That you held a complying investment for the entire time you held your provisional visa</li> <li>Of any transfer of funds from one complying investment to another</li> <li>A 1-page summary of your current business and investment activities in Australia</li> <li>A 1-page summary of your Australian business and investment intentions in the long-term</li> </ul>	Met the residency requirement.
<b>South Australia requirements</b>	<h3>Material Benefit to South Australian Economy</h3> <ul style="list-style-type: none"> <li>The applicant must demonstrate that they have continually held the Complying Investment for the period of the provisional visa. This can be done by supplying holding statement/s provided by the manager of a registered managed investment scheme. Where the Complying Investment materially benefits the South Australian economy, a letter from the fund manager(s) should be provided in support of the applicant's subclass 888 permanent visa nomination application identifying such benefit.</li> <li>If you have complying investments have been changed during the period of the provisional visa, please ensure to include enough evidence to demonstrate all complying investments held.</li> </ul>	<h3>Commitment to South Australia</h3> <p>The South Australian government will take a flexible approach to the supporting documentation that can be submitted to evidence commitment to South Australia. Examples of supporting documentation that might be considered include:</p> <ul style="list-style-type: none"> <li>Purchase and shipping documentation</li> <li>Evidence of additional investment activity</li> <li>Property ownership evidence</li> <li>Rental documentation or receipts from hotels used in South Australia</li> <li>Evidence of enrolment for education of children in South Australia</li> <li>Evidence of employment for spouse or children</li> <li>Membership with a local organisation and regular attendance at meetings or events</li> <li>A written statement clearly explaining the applicant's commitment to South Australia</li> </ul> <p>The examples are not exhaustive and may be considered on a collective basis.</p>

**It is strongly recommended that applicants obtain professional legal and financial advice before investing or undertaking any business activity.**

The South Australian Government will not advise on any investment made or any business activity to be undertaken by the applicant nor does it accept liability for any financial loss, cost of expense incurred because of any business decision, business activities or investments of the applicant or any person in any way connected with the significant investor program or otherwise.

If you are interested in this visa option please contact:

- **Phillip Grifoni, Business Migration Program Manager**  
**Telephone: +61 8 8303 2420**

**For further information, please contact us at: Immigration South Australia migration.sa.gov.au Telephone: +61 8 8303 2420**

**For enquiries relating to visa options please submit an online enquiry through the [Immigration SA Apply website](#).**

**Please Note:** Any information about the law in Australia or South Australia is provided as general information only and is not legal advice. This fact sheet is a starting point only and is not a substitute for legal or professional advice. While the Department has attempted to ensure the information is accurate at the time of publishing, no responsibility will be accepted for any errors or omissions and the Government of South Australia will not be liable for any loss or damage incurred by any person as a consequence of any use, reference or reliance on this information. Any such use, reference or reliance shall be at the sole risk of that person who should seek their own legal and or/professional advice if required.