

Changes to Business Skills Program - 1 July 2012 reforms

From 1 July 2012, all 13 existing Business Skills visa subclasses (such as 845, 163 and 892) will be replaced by 3 visa subclasses collectively known as the Business Innovation and Investment program. There will be an additional "significant investor visa" pathway which requires \$5 million investment but details of this pathway are scanty at this time. The main features of the new program are as follows.

Business Talent - Subclass 132

Applicants may apply for this visa under the significant business history stream or the venture capital entrepreneur stream. In either case, intending applicants must first submit an Expression of Interest (EOI) to the Skillsselect database and wait for an invitation to apply. State or Territory government nomination is required for the invitation to issue.

Applicants applying under the significant business history stream must be less than 55 years old, have net assets of \$1.5 million, of which \$400,000 must be net business assets, and have an annual business turnover of \$3 million. Alternatively, if applicants have sourced \$1 million in venture capital funding from a member of the Australian Venture Capital Association Limited (AVCAL) to fund a high value business project in Australia, they may be eligible to apply under the venture capital entrepreneur stream.

Subclass 188 (provisional)/Subclass 888 (permanent)

The 188 visa is a state-sponsored provisional visa which is valid for 4 years (renewable for another 2 years). Intending applicants must also first submit an EOI and wait for State or Territory government nomination to trigger an invitation to apply. Additionally, applicants must achieve a minimum point test score of 65 awarded on attributes of age, English, qualifications, business experience, assets, business turnover and innovation. Applicants aged 55 years or older will not be awarded points for age but may still apply if their business is considered to be of exceptional economic benefit by the relevant State or Territory government. Applicants for subclass 888 visas are not required to submit an EOI and are not subject to the point test. However they must hold a subclass 188 to apply.

There are 2 streams available – business innovation and investor streams. The business innovation stream requires applicants for the provisional 188 visa to have net assets of \$800,000 and annual business turnover of \$500,000. These compare to 163's requirements of \$500,000 in net assets and annual business turnover of \$300,000.

Applicants of the permanent stage visa (888) must have net total assets of \$600,000 (from 892's \$250,000) of which \$200,000 are business assets and annual business turnover of \$300,000 (from 892's \$200,000). Applicants who employ 2 full time employees may be exempted from meeting either the business assets or the total assets requirement.

The investor stream requires applicants for the provisional visa to invest \$1.5 million in a designated State or Territory bond for 4 years and have net business and personal assets of \$2.25 million. At the end of 4 years, applicants may apply for the permanent visa where they are able to demonstrate a commitment to continue in business or investment in Australia.

Current and New Regime Compared

Apart from the increase in assets and turnover requirements outlined above, the new regime will not permit primary applicants for the provisional visa to assign their spouse as primary applicant in the permanent visa stage. As well, unless exempted, applicants cannot rely on a business which has been recycled from a previous 888 visa holder to apply for their 888 visa.

Please note: Current subclass 163 holders will not be affected by the reforms and must apply for permanent stage visas under the existing Business Skills program.

For further advice regarding the new Business Innovation and Investment program, please contact Maria Ho on 08 8210 1274 or Anna Hsiao on 08 8217 1357.

2012年7月1日起投资移民方案改革

从2012年7月1日起，现有的13个投资移民签证类别（例如845、163和892）将会被3个签证类别所代替（统称为商业创新和投资方案），并且将会有有一个‘高额投资者签证’分支，要求申请者投资500万澳币，但是到目前为止我们没有太多关于这一分支的信息。新方案的主要特点如下。

商业杰出人才 - 132 类别

申请者可以通过成功生意背景分支或风险投资企业家分支来进行申请。两种分支均需要申请者向技术筛选系统 (Skillselect) 递交一份申请意向书 (EOI) 并且等收到邀请后才能申请。只有在获得州或领地政府提名后才能得到邀请。

成功生意背景分支的申请者必须年龄在55岁以下，拥有150万澳币的净资产（其中必须有40万澳币是生意的净资产），并且其生意的年营业额超过300万澳币。或者，如果申请者从澳洲创业资金协会有限公司 (AVCAL) 募集100万澳币的创业资金，用于在澳洲投资高价值的商业项目，则可以申请风险投资企业家分支。

临时签证 188 类别/永居签证 888 类别

188 签证是一个由州政府担保的4年临时签证（可以续签两年）。申请者必须先递交EOI并等待州或领地政府提名后才能收到递交申请的邀请。另外，申请者会按照其年龄、英语水平、学历、商业背景、资产、生意营业额和创新背景得到相应的分数，65分为最低申请线。虽然年龄55岁或以上的申请者在年龄上将不会得到任何的分数，但如果州或领地政府认为其生意对该州有特殊经济贡献，申请者仍可以进行申请。申请888签证不需要递交EOI，也没有分数要求，但是只有188签证的持有者才能申请此签证。

188/888类别有两个分支可以选择，分别是商业创新和投资者分支。商业创新分支要求188临时签证的申请者必须拥有80万澳币的净资产和每年50万澳币的营业额。相比之下，现有的163签证的要求是50万澳币净资产和每年30万澳币的营业额。

永居签证888类别的申请者必须拥有60万澳币净资产（892签证要求是25万澳币），其中20万澳币必须是生意中的净资产，并且在澳洲生意的年营业额必须有30万澳币（892要求20万澳币）。如申请者在澳洲的生意雇用两个全职员工的话，申请者则无需满足上述的总净资产和生意净资产其中的一项要求。

投资者分支要求临时签证(188)的申请者投资150万澳币购买指定的州或领地政府债券并连续持有4年，并且个人和生意的净资产必须有225万澳币。在4年持有期结束后，申请者可以申请永居签证，前提是承诺会持续在澳洲投资和做生意。

现有的政策和新政策对比

除了以上提到的增加了对资产和营业额的要求以外，新政策还不允许临时签证的主申请人委派配偶作为申请永居签证的主请人。还有，永居签证888的申请者不能依赖从888永居签证申请人手中购买的生意来进行申请，除非得到豁免。

请注意：现有的163持有者将不会被这些改革所影响，并且必须按照现有的投资移民方案来申请永久居民签证。

如果您想得到更多关于新商业创新和投资方案的信息，请联系何卓琳律师，联系电话 08 8210 1274 或肖安娜律师，联系电话 08 8217 1357。