

ACT NOMINATION GUIDELINES

BUSINESS MIGRATION AUGUST 2021

The Australian Capital Territory (ACT) Government welcomes overseas investment in Canberra, Australia's national capital, a city of innovation and opportunity. Canberra is internationally recognised for an enviable lifestyle and a business friendly environment.

Your business / entrepreneurial venture can take advantage of a strong and stable economy, a vibrant, safe and well educated community, and a collaborative and innovative business sector. Canberra offers investors a pro-business culture that is actively supported by the ACT Government

Successful business people 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: the ACT does not participate in this stream.
- 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: the 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 by emailing 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 successful business people who want to invest a minimum \$200,000 to establish or purchase a business in Australia. If you are seeking ACT 188 A nomination, you must show that the proposed business plan is viable and will be of economic benefit to the Territory. 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 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 definition
- 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 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 show that the proposed complying investment will be of economic benefit to the ACT. You must meet following criteria:

- Meet Department of Home Affairs criteria for a Business Innovation and Investment (Provisional) (subclass 188) visa – Significant investor stream.
- Enter into an agreement to either:
 - Invest a **minimum** \$500,000 into Significant Capital Ventures, an Early Stage Venture Capital Limited Partnership that complies with Part A of the Complying Investment Framework (www.significantcapitalventures.com.au) and invest the remaining funds in Part B and C of the Complying Significant Investment Framework; or
 - Invest at least \$500,000 into a Complying Significant Investment that is of economic benefit to the ACT.

For example:

- Venture capital and growth private equity fund investing in start-ups and small private companies in the ACT; or
- Venture Capital Limited Partner (VCLP) fund component in a fund that is actively sourcing investment in the ACT.
- Invest the remaining funds in Part B and C of the Complying Significant Investment Framework.

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.
- Proposed complying significant investment:
 - a signed letter of agreement to invest in Significant Capital Ventures.
- or**
- an overview of your complying investment intentions in Australia, including:
 - an outline of the proposed complying investment.
 - a signed letter of intent with the managing fund to invest in the complying investments.
 - 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).
- A copy of your passport bio-data page (and Australian visas *if any*).
- 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 E nomination: Entrepreneur Stream

This visa for successful businesspeople who want people 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 is proposed to 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.

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 plans for the entrepreneurial activity will lead to the commercialisation of a product, service or business in Canberra.
- Your resume or Curriculum Vitae (CV).
- A copy of your passport bio-data page (and Australian visas if any).
- 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:

- Meet Department of Home Affairs criteria for a Business Innovation and Investment (Provisional) (subclass 188) visa – Business Innovation extension
- You have actively operated the ACT nominated business in Canberra for at least two years
- You 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 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 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?

If your application is refused, we will tell you why you were unsuccessful. You can ask us to reconsider this 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 can start the process again requesting another invitation to apply for ACT 188 nomination

Department of Home Affairs visa decision

You must tell us when your visa granted and your expected arrival date in Canberra by emailing 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 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.