

TANGLAW

Business Innovation & Investment
(Provisional) Visa (Subclass 188A)

Business Innovation Stream

商业创新与投资移民

商业创新（188A）类别



OVERVIEW

188A Business Innovation stream: for people with business skills who want to establish, develop and manage a new or existing business in Australia. Applicants must be nominated by a state or territory government.

There are **two (2) stages** to obtaining permanent residency status:

- (a) Stage 1 – Obtain 4-year Provisional Subclass 188A Visa with your current “qualifying business”; and
- (b) Stage 2 – Obtain Permanent Subclass 888 Visa with your “eligible business” in Australia.

STAGE 1 – PROVISIONAL SUBCLASS 188A VISA

VISA REQUIREMENTS

If you apply for the Business Innovation stream of this 188 Business Talent Visa, you need to be nominated and invited by the State, and you (or your partner, or you and your partner combined) must satisfy ALL of the following:

- (a) be under **55 years of age**, although this requirement can be waived if your proposed business will bring exceptional economic benefit to Australia.
- (b) score at least **65** on the **points test** (Please see section 3 below for more details).
- (c) for two out of the four fiscal years immediately before you are invited to apply, have had an ownership interest in an established business or businesses that had at least **AUD500 000 turnover** in each of those years.
- (d) own at least one of the following percentage of your nominated main business:

- (i) 51 per cent, if the business has a turnover of less than AUD400 000 per year.
 - (ii) 30 per cent, if the business has a turnover of AUD400 000 or more per year.
 - (iii) 10 per cent, if the business is a publicly listed company.
- (e) have an overall successful business career.
 - (f) have a genuine desire to continuously own and maintain a management role in a business in Australia.
 - (g) total assets of at least AUD850,000 can be transferred to Australia.
 - (h) Pass Health and Character Tests.

If your nominated main business provides professional, technical or trade services, you must have spent **no more than half your time** providing those services, as opposed to general management of the business.

At the time of invitation, you, your partner, or you and your partner **combined must have total net business and personal assets of at least AUD\$850 000** that are lawfully acquired and available for legal transfer to Australia within two years of the visa being granted.

For the Western Australia State to nominate you, generally speaking, you will need to agree to invest into and maintain an “eligible business” in Western Australia and:

- (a) transfer the minimum funds required by Immigration, AUD\$850,000; and
- (b) transfer an additional A\$50,000 for settlement and ongoing living costs.

VISA APPLICATION FEES

Main applicant: AUD 4875

Additional applicant aged 18 and over: AUD 2440

Additional applicant under 18: AUD 1220

(The above visa fees information are based on the Australia Department of Immigration and Border Protection Website on July 2017) <https://www.border.gov.au/Trav/Visa/Fees>

HOW TO APPLY

STEP 1:

Lodge an application for State Nomination with the Business Migration Centre (BMC). A fee of \$500 applies to all provisional visa nomination applications lodged with the BMC.

STEP 2:

If you are granted State Nomination you can proceed to lodge an Expression of Interest (EOI) through SkillSelect.

STEP 3:

Once nominated in SkillSelect by the BMC, you will receive an invitation from Department of Immigration and Border Protection to lodge your Business visa application which must be completed within 60 days using Department of Immigration and Border Protection's electronic lodgement system.

STAGE 2 – PERMANENT VISA

REQUIREMENTS FOR BUSINESS INNOVATION STREAM (Commonly known as “888A”)

Either you or your secondary applicant can apply for this subclass 888 visa if you or your

secondary applicant can satisfy the following requirements:

- A. Have held subclass 188 visa for at least one year of the two years immediately before you apply.
- B. had an ownership interest (and continue to have an ownership interest) and a direct and continuous management role in an actively operating business in Australia for the two years immediately before you apply.
- C. had an annual turnover of at least AUD300 000 from the business in the 12 months before you apply.
- D. owned at least one of the following percentages of the business in Australia in the year immediately before you apply.
 - (i) 51 per cent of a business with a turnover of less than AUD400 000 per year
 - (ii) 30 per cent of a business with a turnover of AUD400 000 or more per year
 - (iii) 10 per cent of a publicly listed company

- E. You (or your partner, or you and your partner together) must also demonstrate that you have achieved at least two of the following requirements, that throughout the year immediately before you apply:
- (i) a net value of business assets of at least AUD 200 000 in your nominated business in Australia
 - (ii) a net value of personal and business assets of at least AUD600 000 in Australia throughout the year immediately before you apply
 - (iii) employed at least the equivalent of two full-time employees in your business:
 - A. Australian citizens, Australian permanent residents, or holders of valid New Zealand passports; and
 - B. Not your family members

THE POINTS TABLE 签证评分表

You must score at least 65 points (the pass mark) in the points test to be eligible to apply for a Business Innovation and Investment (Provisional) visa (subclass 188) in the **Business Innovation stream** or the **Investor stream**. The points test does not apply to you if you are applying in the **Significant Investor stream**, the **Premium Investor stream**, the **Entrepreneur stream**, the **Business Innovation Extension stream**, or **Significant Investor Extension stream**. The test gives points for various elements of human capital and business innovation and includes objective measures of business performance.

Points are awarded on the basis of the factors listed in the following table. All factors are assessed as at the time you are invited to apply for this visa, unless otherwise noted.

商业创意及投资计划引入打分系统，将以“年龄、英文能力、学历、商业或投资经验、个人或商业净资产、营业额以及创新技能”作为评分要素，每项又被赋予不同的分值，当总计算得分65分以上即可获得澳大利亚移民局的邀请信。

| Factor 评分因素 | Description 内容 | Points 得分 |
|-------------------------------|---------------------------------------|-----------|
| Age 年龄 | 18-24 years 18-24 岁 | 20 |
| | 25-32 years 25-32 岁 | 30 |
| | 33-39 years 33-39 岁 | 25 |
| | 40-44 years 40-44 岁 | 20 |
| | 45-54 years 45-54 岁 | 15 |
| | 55 and older 55 岁以上 | 0 |
| English language ability 英语能力 | Vocational English 业务英语水平（雅思 4 个 5 分） | 5 |
| | Proficient English 熟练英语水平（雅思 4 个 7 分） | 10 |

| | | |
|-----------------------------|---|----|
| Qualifications 学历 | Australian trade certificate, diploma or bachelor degree by an Australian education institute; or a bachelor qualification recognised by an education institution of a recognised standard 持有由澳洲院校颁发的职业证书、文凭、或学士学位证书；或 由其它符合标准的教育院校颁发的学士学位证书 | 5 |
| | Bachelor degree in business, science or technology by an Australian institution; or a bachelor qualification by an education institution of a recognised standard 由澳洲院校颁发的，商业、科学、科技类的学士学位；或由其它符合标准的教育院校颁发的学士学位证书 | 10 |
| Special endorsement 特别加分 | The nominating state or territory government agency could decide that your proposed business is of unique and important benefit to the state or territory where the nominating government agency is located 州政府可以通过自己的判断，决定您的商业计划是否具有独特性，并会为所在州带来重要经济利益 | 10 |
| Financial assets 财产 | Net business and personal assets of you, your partner or you and your partner combined in each of the preceding two years of at least: 过去的两年中您或您配偶的企业及个人财产，或两人相加的总额达： | |
| | AUD 800,000 80 万澳元 | 5 |
| | AUD 1.3 million 130 万澳元 | 15 |
| | AUD 1.8 million 180 万澳元 | 25 |

| | | |
|--|--|-----------|
| | AUD 2.25 million 225 万澳元 | 35 |
| Business turnover 生意营业额 | Annual turnover in your main business during a period of at least two years of the preceding four fiscal years of at least: 过去四个财政年至少两年中，您的主要生意的营业额达到 | |
| | AUD 500,000 50 万澳元 | 5 |
| | AUD 1 million 100 万澳元 | 15 |
| | AUD 1.5 million 150 万澳元 | 25 |
| | AUD 2 million 200 万澳元 | 35 |
| Business Innovation stream only Business experience 只适用于商业创 新类别： 商业经验 | You have held one or more businesses before you were invited to apply for the visa for: 在受邀申请本签证前，您经营一个，或多个生意的商业经验： | |
| | Not less than four years within the preceding five years 在过去 5 年中不少于 4 年 | 10 |
| | Not less than seven years within the preceding eight years 在过去 8 年中不少于 7 年 | 15 |
| Investor stream only Investor experience 只适用于投资人 类别： 投资经验 | Eligible investment of at least AUD100 000 held for: 10 万元有效投资： | |
| | At least four years before the time of invitation to apply for the visa 在受邀申请本签证前，不少于 4 年 | 10 |
| | At least seven years before the time of invitation to apply for the visa 在受邀申请本签证前，不少于 7 年 | 15 |

| | | |
|---|--|-----------|
| | | |
| Business innovation qualifications At the time of invitation to apply for the visa: 受邀申请本签证时的商业创新资格 | Evidence of registered patents or registered designs 注册专利或设计 | 15 |
| | Evidence of registered trademarks 注册商标 | 10 |
| | Evidence of formal joint venture agreements 合资协议 | 5 |
| | Evidence of export trade 出口贸易证据 | 15 |
| | Evidence of ownership interest in a gazelle business 生意为快速增长生意（Gazelle Business）的证据 | 10 |
| | Evidence of receipt of grants or venture capital funding 接收补助或创业资金 | 10 |
| State or territory nomination 州政府提名 | Special endorsement (limited places) 特别加分 (名额有限) | 10 |

综述

188A 商业创新类签证属于澳大利亚商业技术移民（Business Innovation and Investment Visa），从澳大利亚 163、164 移民签证转化而来。相对于其他商业移民项目而言，它最适合国内中小型企业主、大型企业管理者。此签证申请对审计要求相对较松、注重公司的营业额，对投资金额要求不高，投资方式可灵活变通。

188A 是一种为期四年的临居签证，该签证对申请人的年龄要求相对宽松；对主申请人企业的营业额及其家庭资产的资金要求是商业投资移民中**最低的**，适合具有**4 年以上经商背景**的企业主，申请人在赴澳投资**两年生意后转为永居身份**。该签证虽然对主申请人的学历、英语没有硬性要求，但同时采取打分筛选（请参阅下表），计分的方式除了会考虑申请人的个人及商业净资产、企业营业额指标以外，还会针对申请人的年龄、英语水平、学历水平、等分别计分，同时会根据一些特定因素进行加分，如：技术创新、注册专利、州提名等。

申请 188A 商业创新类签证的条件

- a) 递交申请时，主申请人的年龄不超过 55 岁；如超过 55 岁，您需证明您打算参与的经济活动将为西澳州带来杰出的经济贡献（依据州政府提名指南）
- b) 申请人有直接参与经营及管理企业的成功经历
- c) 您的企业及个人净资产总值不低于 85 万澳元，该资产在您获得签证的**两年内可转移至西澳州**
- d) 在过去 4 个财政年度中，至少有 2 年，您直接参与**不超过 2 家企业**的管理并持有**股份**，该企业的**年营业额**每一财年**不低于 50 万澳元**

- e) 如申请人使用**两家或以上企业作为背景**进行申请，则申请人及其配偶过去 4 年中在企业需持股至少 2 年并达到以下持股要求：若企业年营业额在 **40 万澳币** 以下，则须持有该企业 **51%** 以上的股份；若企业年营业额大于 **40 万澳币**，则须持有该企业 **30%** 以上的股份
- f) 在商业创新和投资类别评分标准中获得 **65 分或以上**

签证费用

主申请人：澳币 4875

18 岁以上副申请人：澳币 2440

18 岁以下副申请人：澳币 1220

(签证费用取自于移民局 2017 年 7 月公布的数据，如有变动，以移民局官网数据为准。)

<https://www.border.gov.au/Trav/Visa/Fees>

188A 类签证的优势

- (a) **资金要求低**。188A 类签证的最低资产要求仅为 85 万澳元（西澳），这和 188C 类重大投资者 500 万澳元的资金要求相比，难度大大降低。然而，资金来源的证明是商业移民审核的重中之重，如何证明 85 万澳元的资金来源，相较于证明 500 万的资金来源，就变得轻而易举了。
- (b) **188A 转 888 类别签证，主副申请人可以互换**。188A 类签证获批之后，到 888 类永居签证 申请之时，188A 的主申请人可以**变为让其配偶做 888 签证的主申请人**。这一调整可以确保通过 188A 类别移民的一家人真正做到生意移民两不误。最初的主

申请人可以继续在中国经营自己的生意，改为由配偶在澳经营生意，并满足申请前**两年内住满一年的居住要求**，最终达到移民的要求。

相比于其它类别的商业移民签证，**188A** 类别签证的优势凸显，目前仍然是最为普及，最受欢迎，也是申请和获批最多的商业移民签证类别。移民局的最新数字显示，**188A** 签证的批签数量通常是**188C** 的 2 倍以上，**188B** 的 20 倍。

188A 转永居（888 签证）基本条件

作为 **188A** 签证持有人，您在澳洲成功经营生意两年之后，就可以考虑申请 **888** 类别永居签证。

888 签证的基本要求

- (a) 申请人合法在澳洲经营生意，并参与管理至少两年；不能从其他 **888, 890, 891, 892 or 893**（即澳洲永久居留）申请人或者持有人那里购买生意股份，除非在递交申请前和此人共同拥有该生意至少 1 年以上。
- (b) **两年之内**，申请人至少有 **12 个月居住在澳洲并直接参与经营及持续管理生意的日常事务**；
- (c) 生意在递交申请前 1 年年营业额**不低于 30 万澳元**；
- (d) 生意在澳洲 **ASIC 正规注册**，且两年间向澳大利亚**税务局报税**；
- (e) 持股要求：**a. 若生意营业额在 40 万澳币以下，持股比例在 51%以上 b. 若生意营业额在 40 万澳币以上，持股比例在 30%以上 c. 若为上市公司，持股比例在 10% 以上**

(f) 申请前一年，以下三项符合其中两项条件： a. 生意净资产不少于 20 万澳元（可以是两个生意） b. 生意至少聘用 2 名澳洲永居/公民/新西兰公民的全职雇员（员工不能是家庭成员） c. 申请人的个人资产加生意净资产之和不少于 60 万澳元

澳大利亚投资环境稳定，监管机制完善，通常的生意经营完全有机会达成预期的业绩。如果您的生意确实由于种种原因没有办法满足永居申请的条件，您还将有机会向移民局申请延长您的 188A 签证 2 年，并在满足相关条件之后，再申请转永居签证。

注：各州州政府发放 188A 担保，以及转 888（即澳洲永久居留）的要求各有不同。

OUR PROMISING RECORDS 我们的成功例子



Australian Government
Department of Immigration and Border Protection

25/06/2015



In reply please quote:

Client Name

Date of Birth

Date of Visa Application

Transaction Reference Number

File Number

Visa Application Receipt Number



03 June 2014



Transmission Method



Dear



Notification of grant of a Business Skills (Provisional) (class EB) Business Innovation and Investment (Provisional) (subclass 188) visa

I wish to advise that a decision has been made on this application and visas have been granted on 25 June 2015 to the applicant(s) listed in the attached Visa Grant Notice, which contains important information about your visa.

Please keep a copy of this letter and the Visa Grant Notice in a safe place for your reference.

Questions about this decision

If you have questions about this decision, or the process or information that was taken into account, you may contact us by any of the means listed below.

Changes to your circumstances

Up until the time you arrive in Australia, you are required to tell us about any changes to your circumstances that may affect any answer to a question in your application form including your name, passport, contact details, address or family members as soon as possible. You are required to do this in writing and can use

which is available at www.immi.gov.au/myvisa/form1022. Failure to notify the department of your new circumstances can have serious consequences and your visa may be cancelled.

people our business

Adelaide Business Skills Processing Centre
OFFICE: 70 Franklin Street Adelaide SA 5000
POSTAL: GPO Box 2399 Adelaide SA 5001

EMAIL: business.skills.adelaide@immi.gov.au WEBSITE: <http://www.immi.gov.au>

WHAT OUR CLIENTS SAY ABOUT US

"The service provided by Tang Law was at the highest standard, the staffs were very professional and helpful. All queries that I had were answered by the staffs in a very prompt manner and the responds were very informative and helpful. I would definitely recommend Tang Law to everyone."

• Joseph Tan

"I'm impressed with their professionalism. I don't reside in Australia, but their Business Liaison Officer, Yannes Wu, made it really easy for me and arranged a Skype meeting. I spoke to Kelvin Tang, a partner of Tang Law, on Skype about my options with 188/888 and 132 Business visas. He was very patient with me and his advice was very clear. Definitely impressed by his knowledge and experience."

• Wei Zhao

"Undoubtedly the most effective law firm in achieving results. Tang Law's multi-lingual capability has gained invaluable advantages for me in my international business negotiation with the Chinese counterpart. Tang Law is an excellent firm that knows how to look after its clients. I am extremely pleased with your high standard of service in particular their personalised approach, wealth of knowledge and experience, professionalism and dedication"

• Vince Schepis

"We found Tang Law very approachable and understanding. They have consistently provided outstanding and professional services. We have no hesitation in recommending such an excellent firm."

• Sandra and Bernadette

TANGLAW

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