



Trade &  
Investment

# Sydney and New South Wales

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# Reform to NSW Business Migration Program

- Background
- 1 September 2011 Initiatives
- 1 November 2011 Announcements
- Transition Arrangements
- Additional Matters Under Consideration
- 1 July 2012 Further Reforms



# Background

- 1 March 2003
  - 24 December 2010
  - First Half 2011
  - 26 August 2011
- Business Skills Program Commences
  - DIAC Public Discussion Paper: Review of Business Skills Visa Program
  - NSW Trade & Investment Strategic Review of Business Migration Program
  - NSW Government “more attractive in attracting **high-value** immigration to NSW”

# Context

- These reforms should not adversely affect applicants who have already been sponsored by NSW.
- These reforms largely apply to new applicants seeking NSW sponsorship for provisional visas for the first time.

# 1 September 2011 Initiatives

- Remove requirement for pre application visits on 456 visa
- Remove requirement to provide detailed business plan. Replace with Business Commitment/Investment Commitment template (5 pages only)
- All applicants will attend interview with NSW Trade & Investment

# 1 November 2011 Announcements

- Sydney & Regional NSW: Separate thresholds
- Business Talent: Revised thresholds
- Change Business Activity: Revised Arrangements
- Consistent with Business Skills & Experience: relax requirement
- Exclude limited number of industry sectors from migration to Sydney

# Thresholds – 1 November 2011

Visa	Threshold	Sydney	Regional NSW
Business Owner 163 & Senior Executive 164	Net Personal & Business Assets	\$ 800,000	\$ 500,000
	Turnover	\$ 500,000	\$ 300,000
	Business Investment Commitment	\$ 500,000	\$ 300,000
Investor 165*	Net Personal & Business Assets	\$ 1.125 million	\$ 1.125 million
	Designated Investment	\$ 750,000	\$ 750,000
Business Talent 132	Turnover	\$ 4.0 million	\$ 3.0 million
	Business Investment Required	\$ 3.0 million	\$ 2.0 million
	New Jobs Created	5	3
Business Owner 892**	Turnover	\$ 200,000	\$ 200,000
	<u>Two out of Three Criteria (DIAC)</u>		
	Net Personal & Business Assets	\$ 250,000	\$ 250,000
	Net Business Assets	\$ 75,000	\$ 75,000
	No of Employees	1	1
	Business Investment Committed <i>(Applicants Sponsored for provisional visa after 1 November 2011)</i>	\$ 500,000	\$ 300,000
Investor 893*	Designated Investment	\$ 750,000	\$ 750,000



# Definition of Regional NSW

Area	Town	Post Codes
Sydney & Suburbs		1000-1920; 2000-2249 2555-2574; 2740-2786
Regional NSW	Newcastle	2264-2279; 2280-2300; 2302- 2310
	Williamstown Nelson Bay Maitland Cessnock	2314-2327
	Central Coast	2250-2251; 2256-2263
	Wollongong	2500-2530
	Kiama Gerringong Gerroa Berry Mittagong	2532-2535
	Lithgow	2575
	Others	2790
		2311-2411; 2420-2490; 2531-2551; 2576-2594; 2618-2739; 2787-2898





# Change in Business Activity

Date of Visa Grant	NSW Requirement
Granted 163, 164, 165 Visa Before 1st October 2009	<i>Existing Requirement Continues</i>  You do not need NSW agreement to change your business activity
Granted 163, 164, 165 Visa After 1st October 2009	<i>New Requirement</i>  <i>(excludes applicants where NSW has already agreed a change in business activity)</i>  Applicants need to make a written submission to NSW explaining  (i) why you wish to change (ii) with a new Business Commitment



## Consistent with Business Skills and Experience

- Business activity consistent with business skills and experience
- No longer apply this criterion
- However we ask applicants to consider the transferability of their skills across business sectors
- Relevant industry experience still important to success of your business

# Excluded Industry Sectors in Sydney

ANZSIC Group	ANZSIC Class Codes
Cafés, Restaurants & Takeaway Food Services (H451)	Cafes & Restaurants (H4511) Takeaway Food Services (H4512)
Supermarket & Grocery Retailing (G411)	Supermarket & Grocery Stores (G4110)
Specialised Food Retailing (G412)	Fruit & Vegetable Retailing (G4122)
Electrical & Electronic Goods Retailing (G422)	Other Electrical & Electronic Goods Retailing (G4229) ( <i>Light fittings</i> )
Household & Textile Goods Retailing (G421)	Houseware Retailing (G4213) Manchester & Other Textile Goods Retailing (G4214)
Recreational Goods Retailing (G424)	Newspaper & Book Retailing (G4244)
Clothing Footwear & Personal Accessory Retailing (G425)	Clothing Retailing (G4251) Footwear Retailing (G4252) Other Personal Accessory Retailing (G4259)



# Applicants Released From Other States

Applicants Released  
by Other State/Territory  
Before 1st November 2011

Can establish a business in  
Sydney or regional NSW

There is no restriction on activity  
by industry sector

Applicants Released  
by Other State/Territory  
After 1st November 2011

Cannot establish a business in  
Sydney in excluded low value sector

Must make a business investment of  
\$500,000 in Sydney  
\$300,000 in Regional NSW

# Transitional Arrangements

- Sponsored After 1 October 2008
- Visa Grant After 1 October 2009
- 1 September 2011 Reforms
- 1 November 2011 Reforms
- Require NSW agreement for change in primary applicant for 892 visa
- Require NSW agreement for change in business activity
- NSW accepts applications without interview or Business Commitment template before 31 October 2011.
- New thresholds & industry exclusions not apply to applicants who have done business research, interviewed by NSW in six months prior to 1 November, who received satisfactory result from interview and who apply for NSW sponsorship before 31 December 2011.

# Implementation Arrangements

- 1 November 2011 reforms are a 'package'
  - Existing applicants can't 'pick & choose' criteria from before & after
  - can withdraw existing application under old rules and reapply under new rules; no new application fee.
- Applicant applying based on two businesses in Sydney
  - qualifying & non-qualifying industry sectors
  - NSW will only consider the qualifying business at provisional and PR stage
- Buying an excluded business before 1 November 2011 will not qualify
  - if you do not meet the transition criteria (business research; interviewed in last six months; satisfactory result; apply to NSW before 31 December 2011)
- In future applicants must do business research and interview **BEFORE** submission of paper application
  - NSW will not accept applications before an interview.

# Additional Matters Under Consideration

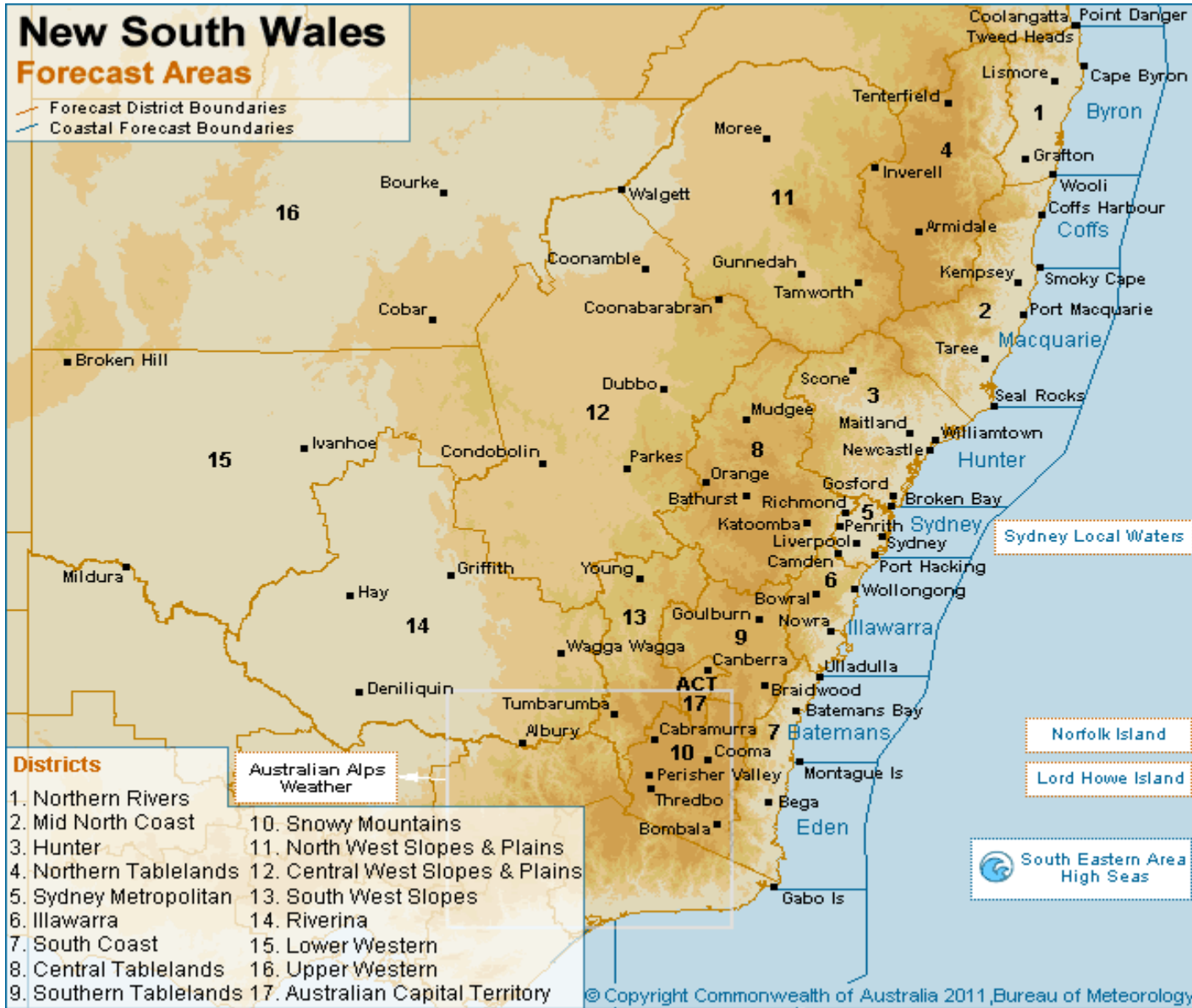
- Age Waivers
- Investor (Retirement) visa sub class 405
- Investor visas
- Monitoring & case management of business migrants

# Further Reforms: 1 July 2012

- *Skill Select*
- Results from Commonwealth review of business skills visa program
- States will have to adjust selection criteria in line with DIAC reforms
- NSW separate thresholds for investor visas for Sydney and Regional NSW
- NSW separate thresholds for Business Owner (Residence) visa 892 for Sydney and Regional NSW
- NSW new thresholds for Business Owner (Provisional) visa 163 for Sydney and Regional NSW if necessary

# Questions

The screenshot shows a Microsoft Internet Explorer browser window displaying the NSW Trade & Investment website. The address bar shows the URL: <http://www.business.nsw.gov.au/live-and-work-in-nsw/visa-and-migration>. The page features a navigation menu with options like 'Doing Business in NSW', 'Invest in NSW', 'Export from NSW', 'Innovation & research', 'Live & work in NSW', 'Assistance & support', and 'Networking & events'. The main content area is titled 'LIVE & WORK IN NSW' and includes a search bar, a breadcrumb trail (Home > Live & work in NSW > Visa & migration), and a 'Share This' button. The primary section is 'Visa and migration', which states: 'New South Wales welcomes business and skilled migrants to Sydney and NSW as well as expatriate Australians returning after living and working overseas. NSW also welcomes people from other Australian States and Territories.' Below this, there are three sub-sections: 'VISAS & SPONSORSHIP', 'SKILLS IN DEMAND', and 'BUSINESS MIGRATION', each with a small image and a 'Read More' link. A 'TALK TO AN EXPERT' sidebar on the right provides contact information for Business Migration, including a phone number (+61 (2) 9338 6692) and an email address (bizmigration@business.nsw.gov.au). The Windows taskbar at the bottom shows several open applications, including Mail, Microsoft Word, and Microsoft Excel, with the system clock indicating 5:47 PM.



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