

State/Territory Sponsored Business Owner visa (subclass 892)

Applicants for NSW nomination for the State/Territory Business Owner visa (subclass 892) need to meet NSW nomination criteria and the Department of Home Affairs visa criteria.

The Commonwealth Government Department of Home Affairs has the sole responsibility for granting visas to enter or stay in Australia. The Commonwealth Government is responsible for all health, character, source of funds and security checking on visa applications. NSW nomination does not imply that any subsequent visa application will be approved by the Department of Home Affairs.

NSW criteria	<p>1) Department of Home Affairs visa criteria for the State /Territory Business Owner visa (subclass 892).</p>
	<p>2) Business activity: You must be involved in a business(es) that is actively operating throughout the last two years.</p> <p>This would usually be shown in each quarter by at least one of the following:</p> <ul style="list-style-type: none"> • substantial sales revenue • leasing or owning of a business premises • employment of staff • significant capital investment (not including purchase of a motor vehicle) • substantial purchase of stock.
	<p>3) Management of the business: You must be actively involved in managing the business(es). As a guide, most small businesses require only one manager who usually controls more than 51% of the shareholding.</p>
	<p>4) Business investment¹: for applicants sponsored by NSW or released from another state/territory after 1 November 2011:</p> <p><i>If your business is in Sydney</i></p> <ul style="list-style-type: none"> • you must have invested at least A\$500,000 in your business for at least the last 12 months. <p><i>If your business is in Regional NSW</i></p> <ul style="list-style-type: none"> • you must have invested at least A\$300,000 in your business for at least the last 12 months.
	<p>5) Successful business career: You must provide a full resume of your business career and responsibilities demonstrating a successful business career.</p> <p>If you were not the primary applicant at provisional visa stage, then you must have previously obtained NSW agreement to become the primary applicant for an 892 visa (excludes provisional applicants sponsored before 1 October 2008).</p>

¹ The business investment must be in property, plant & equipment, inventory, or purchased goodwill. This definition applies to businesses in Sydney and Regional NSW.

<p>Department of Home Affairs visa criteria*</p>	<p>6) Business in Regional NSW: If you were nominated for your provisional visa on the basis of your intention to migrate to Regional NSW, you must demonstrate that your business activity was undertaken in Regional NSW.²</p>
	<p>7) Letter of release: If you hold a qualifying state/territory sponsored Provisional visa sponsored by a state/territory other than NSW you must obtain a letter of release from that state/territory on Department of Home Affairs Form 949.</p>
	<p>If the Department of Home Affairs has previously refused to grant you a business visa, or has cancelled your business visa, NSW may not sponsor you for a provisional or permanent residence visa unless you can show mitigating circumstances.</p>

In assessing applications for NSW nomination for this visa, NSW also assesses against the following Department of Home Affairs criteria*:

<p>Department of Home Affairs visa criteria*</p>	<p>1) Qualifying visa: You are the holder of a qualifying Provisional visa or a Business (Long Stay) Independent visa (applicants are urged to confirm with Department of Home Affairs that their existing visa is a qualifying visa).</p>
	<p>2) Ownership interest: You have had, and continue to have, an ownership interest in one or more actively operating main businesses in NSW for at least the last two years.</p>
	<p>3) ABN and Business Activity Statements: For each business an Australian Business Number (ABN) has been obtained and all Business Activity Statements (BAS) for the last two years have been submitted to the Australian Tax Office.</p>
	<p>4) Employment and/or assets: You meet at least two of the following three requirements:</p> <ol style="list-style-type: none"> 1. Your main business(es) employed at least the equivalent of one full time employee who is not a member of your family unit throughout the last 12 months; 2. The net value of your (or your and your spouse's combined) personal and business assets in Australia has been at least A\$250,000 throughout the last 12 months; 3. The net value of your (or your and your spouse's combined) assets in the main business(es) in NSW is at least A\$75,000.

² Until August 2016, this requirement read as: Business activity undertaken must be in accordance with the business plan sponsored by NSW for the provisional visa (subclass 188) unless NSW has previously agreed in writing to a substantial change in business activity. Whilst NSW no longer requires visa nominees to seek NSW agreement to change their business activity, NSW nominees who were nominated on the basis of their intention to migrate to Regional NSW are expected to do so. Applicants would need to demonstrate exceptional circumstances and have obtained NSW agreement in writing if they seek to relocate outside of Regional NSW.

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| | 5) Business turnover: Your main business(es) had a turnover of at least A\$200,000 in the last 12 months. |
| | 6) Presence in Australia: You have been in Australia for at least one of the last two years |
| | 7) Acceptable business/investment activities: Neither you nor your spouse has a history of involvement in business activities that are of a nature that are not generally acceptable in Australia. |

Prospective applicants are encouraged to consider seeking independent migration, legal, financial and tax advice before submitting an application for NSW nomination for this visa.

*Please note: this is only a summary of the selected Department of Home Affairs criteria that NSW assesses in the nomination application. This is not a comprehensive list of the Department of Home Affairs criteria for the State/Territory Business Owner visa (subclass 892). In order to be granted a visa, applicants will need to meet all Department of Home Affairs criteria. Applicants should refer to the Department of Home Affairs [website](#) for this information.

Find out more

- Contact the NSW Business and Investor Migration Visa team: business.migration@treasury.nsw.gov.au.
- Information on the State/Territory Business Owner visa (subclass 892): <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/state-or-territory-sponsored-business-owner-892>