



Skilled Work Regional (Provisional) visa (subclass 491) – pathway for small business owners

Would you like to enjoy the benefits of a great Queensland business career and lifestyle? Queensland nominates highly skilled business operators in regional Queensland through the **Skilled Work Regional (Provisional) visa (subclass 491)**. Choose Queensland as your first preference!

This visa is used to reward small business owners in regional Queensland for investing in the local business community, encourage ongoing regional residence and provide employment opportunities for local residents.

It is a point-tested provisional visa, and a pathway to permanent residency. It is a 5 year visa that requires applicants to live and work in a regional area for a minimum of 3 years. Employment can be undertaken by owning and operating a business.

The minimum investment required into an existing registered regional business is \$100,000, and the employment of one Australian resident is also required. The business must be a pre-existing business which has been purchased and trading for a minimum of 6 months prior to lodging an Expression of Interest.

Investing in and operating an existing regional business negates the requirement to be employed by a regional employer in Queensland.

OBJECTIVES

This visa aims to:

- promote job creation for Australians and contribute to regional economic development
- encourage small business owners to stay in regional Queensland, reducing pressure on city infrastructure and welfare systems
- encourage migrants to integrate into local regional communities via their business.

ELIGIBLE POSTCODES

As part of your visa conditions, you and your dependants must live, work and study in a regional area.

Eligible postcodes include:

4124 to 4125, 4133, 4183 to 4184, 4207 to 4275, 4280 to 4287, 4306 to 4498, 4507, 4517 to 4519, 4550 to 4575, 4580 to 4895.

BENEFITS OF SEEKING QUEENSLAND NOMINATION

State migration is managed for the Queensland Government by **Business and Skilled Migration Queensland (BSMQ)** a division of Trade and Investment Queensland.

Queensland offers a high standard of living and good working conditions, including:

- safe working conditions
- high minimum wages
- and entitlements including public holidays and leave.

Nomination by the State of Queensland will provide:

- an additional 15 points for a Skilled Work Regional (Provisional) visa (subclass 491) towards the Department of Home Affairs (HA) points test.
- the same work rights as an Australian citizen.

ELIGIBILITY CRITERIA

Applicants operating a business in regional Queensland may submit an application for the small business owners pathway through subclass 491 nomination if their occupation is on the HA's Instrument (LIN 19/051). Queensland nomination applicants must meet both HA criteria and BSMQ criteria for the chosen visa category.

The Department of Home Affairs requires you to meet the following criteria:

- have a points test result of 65 or higher inclusive of state nomination points
- have a positive skills assessment in your nominated occupation
- be under 45 years of age
- meet the minimum English language requirement of COMPETENT, unless a higher level is required by your assessing authority.

Business and Skilled Migration Queensland requires you to meet the following criteria:

Skilled workers operating a business in Queensland	
Skilled Occupation List	Have an occupation on HA's Instrument (LIN 19/051).
Business experience	Have prior business experience or qualifications to successfully run the business (or have previously been involved in a family-run business).
Residency in Queensland	Have resided in regional Queensland for at least the past 6 months prior to application.
Investment in business	Provide evidence that you have purchased a business in regional Australia for a minimum of \$100,000 (not available for start-ups or home-based businesses). All business registration details, purchase document and the day-to-day operation of the business must be in the name of the primary applicant (not a partner, spouse or dependant).
Operation of business	Provide evidence that the business has been trading for a minimum of 6 months after the purchase of the business. The small business owner must be operating the business for a minimum of 35 hours per week.
Australian employee	Provide evidence of employment of at least one Australian resident (working a minimum of 20 hours a week) at time of invitation. Cannot be a family member or a subcontractor.
Settlement funds	Provide evidence of sufficient settlement funds for business and family settlement.
Ownership interest	Provide evidence that you hold 100% ownership of the business.

APPLICATION PROCESS

To be considered for Queensland nomination:

Step 1: Review your eligibility criteria and visa conditions:

- on the HA website:
<https://immi.homeaffairs.gov.au/>
- and on the BSMQ website
www.migration.qld.gov.au/

Ensure that you meet both HA criteria and BSMQ state nomination requirements.

Please ensure all information, such as work experience, is included in your EOI.

Choose Queensland as your preferred nominating state. Applicants choosing **'Queensland'** as their nominating state will be given preference over candidates selecting 'ANY' state.

Step 2: Lodge an Expression of Interest (EOI) through the HA SkillSelect website <https://immi.homeaffairs.gov.au/visas/working-in-australia/skillselect>

Step 3: Submit the online 491-SBO assessment form.

Step 4: BSMQ will review your EOI. If eligible, you will receive an email – **'Queensland Nomination – Invitation to lodge an application'**. You will be requested to provide the following documents:

- Application form
- Settlement funds declaration form
- Bank statement (personal)
- Skills assessment
- Commitment statement
- Evidence of business management
- Evidence of academic qualification
- Evidence of business ownership/registration documents (contract of sale and ABN/ACN/ASIC)
- Evidence of Australian resident employee (not a family member, or a subcontractor)
- Evidence business has been operating for 6 months (BAS statements)
- VEVO
- Utility bill or lease agreement
- Evidence of salary and work hours per week (main applicant)

Documents are to be uploaded electronically through the document portal link provided in your invitation email. We no longer accept attachments sent to us by email. If there are multiple documents, you will need to have them scanned altogether as one multiple page document to upload one file.

Step 5: Pay a non-refundable application fee to BSMQ in order to finalise your application. Visit www.migration.qld.gov.au for detailed information on fees.

Note: You will be given 14 days to finalise your application from the date of invitation. Applications not finalised within this timeframe, will be closed and applicants will need to submit a new EOI (does not include EOIs previously lodged or updated) if they wish to re-see Queensland nomination.

Where a document is refused, you will be given the reason for refusal, and given 5 days to provide this information.

Step 5: Once your completed BSMQ application is received and approved, you will receive an invitation from HA to lodge your visa application.

You will be given 60 days to lodge your visa application with HA.

If you have been nominated by BSMQ and for some reason you don't apply to HA within the 60 days for the visa, you will not be eligible to reapply for BSMQ nomination until another 6 months have lapsed.

EXPRESSIONS OF INTEREST (EOI)

- Applicants choosing **'Queensland'** as their nominating state will be given preference over candidates selecting 'ANY' state.
- If a suspension period is in place, please do not submit an EOI until processing reopens.

ELIGIBILITY FOR THE PERMANENT RESIDENCE (SKILLED REGIONAL) VISA (SUBCLASS 191)

- Have lived for at least 3 years in a designated regional area and have a taxable income at or above a specific income threshold (currently \$53,900) for at least three years, and meet all other subclass 491 visa conditions.

Disclaimer notice to applicants

Nomination and approval

Applying for nomination correctly does not guarantee you will receive Queensland nomination or be granted an Australian visa. Nomination is granted at the discretion of the State of Queensland. It is recommended you seek professional legal and financial advice before making an investment. The final decision and timeframe on granting a visa is made by the Department of Home Affairs. The State of Queensland takes no responsibility in the event that your visa application is not approved by HA.

Administrative Appeals Tribunal (AAT)

Please note that BSMQ will not, under any circumstances, appeal to the Administrative Appeals Tribunal (AAT) against decisions by HA to decline granting a visa to any skilled or business migration applicants nominated by Queensland.

Complying Investments and Business Proposals

Complying investments or business proposals may carry risk and it is the applicant's responsibility to evaluate and determine the merit, viability and risk of the proposed investment or business and to verify the reliability, accuracy and completeness of the information gathered.

By granting nomination, the State of Queensland makes no endorsement or representation regarding:

- the business proposal or complying investments
- the viability or otherwise of the proposed business or complying investments
- or the origin, validity, accuracy, completeness or reliability of any information in the business proposal.

The State of Queensland disclaims and excludes to the full extent permitted by law, any liability for losses of whatsoever nature arising in any way out of or in connection with the business proposal or complying investment as to either the applicant's business proposal or by reason of any reliance thereon by any person.

It is highly recommended that you seek migration, legal and financial advice regarding your proposed investment to ensure compliance with all eligibility requirements.

After moving to Queensland

It is a requirement of nomination by the State of Queensland that the applicant supplies their residential address and contact details to BSMQ when living in permanent lodgings after gaining the visa. You are also required to advise us when your circumstances change, including a change of employment or a change of address.

Eligibility for Permanent Residence (Skilled Regional) visa (subclass 191)

To be eligible for permanent residency on the subclass 191 visa visa applicants must:

- have earned a minimum taxable income for three years of TSMIT (currently \$53,900) as the holder of a regional provisional visa; and
- have complied with the conditions of the regional provisional visa; in particular, including that the holder and any dependants must live, work and study in a designated regional area of Australia.
- provide HA with evidence of living and working in a regional area every 6 months.

BSMQ takes no responsibility if an applicant does not meet Subclass 191 visa requirements. It is the duty of the visa holder to understand the criteria they need to meet on a Subclass 491 to enable them to apply for Subclass 191 after the required time frame.

Connect. Be connected.

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