



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 pathway is for small business owners in regional Queensland, who are investing in the local business community and providing employment opportunities for local residents.

The Skilled Work Regional (Provisional) visa (subclass 491) is a points-tested provisional visa that has a pathway to permanent residency. It is a five year visa that allows holders to live, work and study in regional Australia, and to apply for permanent residency after three years.

The Small Business Owner (SBO) stream has two pathways available:

PATHWAY 1

To be eligible for this pathway, you must purchase an existing registered business for a minimum of \$100,000 and employ at least one Australian resident. You must operate the business for a minimum of six months prior to lodging an Expression of Interest (EOI).

PATHWAY 2

To be eligible for this pathway, you must have started a business and have continuously run that business for a minimum of two years. The business must be generating a profit and have a turnover of \$200,000 in the 12 months prior to lodging an Expression of Interest (EOI).

OBJECTIVES

This pathway aims to:

- promote job creation for Australians and contribute to economic development in the regions
- encourage small business owners to stay in regional Queensland, reducing pressure on city infrastructure
- 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: 4019–4022, 4025, 4037, 4074, 4076–4078, 4124–4125, 4133, 4183–4184, 4207–4275, 4280–4287, 4300–4301, 4303–4498, 4500–4512, 4514–4519, 4521, 4550–4575, 4580–4895.

Note: If nominated, MQ expects you to continuously operate this business or at least three years from time of the 491 visa grant.

BENEFITS OF SEEKING QUEENSLAND NOMINATION

- Queensland offers a high standard of living and good working conditions, including a high minimum wage
- There are visa pathways for Queensland graduates, skilled workers and small business owners.

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.
- Once your visa is granted, you'll be an independent migrant and not tied to a single employer.

ELIGIBILITY CRITERIA

You may be eligible to apply for the Skilled Work Regional (Provisional) visa (subclass 491) for small business owners if you operate a business in regional Queensland and your occupation is on the Department of Home Affairs Legislative Instrument ([LIN019/051](#)).

To be eligible for Queensland nomination, you must meet the Department of Home Affairs (HA) criteria and Migration Queensland (MQ) criteria for the Skilled Work Regional (Provisional) visa (subclass 491).

The Department of Home Affairs requires you to:

- 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
- have at least Competent English.

Migration Queensland requires you to meet the following criteria (choose between Pathway 1 or Pathway 2):

Requirements for Pathway 1 and Pathway 2 applicants:	
Occupation	Have an occupation on the relevant Legislative Instrument (LIN19/051).
Living in regional Queensland	Must provide evidence that you are living in regional Queensland.
Operating the business full time	Applicant must be working for the business full-time (minimum of 30 hours per week).
Ownership interest	Provide evidence that you hold 100% ownership of the business.
Location of business	You must own and operate a business in regional Queensland.

Additional requirements for Pathway 1 (Purchase of business)

Age of purchased business	The business purchased must have been operating for a minimum of two years in its current location, immediately prior to purchase.
Price of purchased business	Provide evidence that you have purchased a business for a minimum of \$100,000.
Operation of business	Provide evidence that you have been operating the business for a minimum of six months after settlement. NOTE: The six months of operation does not start until 100% of the purchase price is settled.
Australian employee/s	Provide evidence of employment of at least one Australian resident* working a minimum of 20 hours per week, or two employees working 10 hours per week. Employee/s cannot be a family member or a subcontractor.

Additional requirements for Pathway 2 (Start-ups)

Operation of business and turnover	Provide evidence that you have been operating a profitable start-up for a minimum of two years, with a turnover of \$200,000 in the twelve months prior to application.
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NOTE: Home-based businesses and/or virtual offices are not eligible for the 491 SBO pathway.

*An Australian resident for the purposes of the 491 SBO pathway is an Australian citizen, an Australia permanent resident or a New Zealand citizen usually residing in Australia on a Special Category subclass 444 visa.

	491 SBO Pathway 1 – Business purchase	491 SBO Pathway 2 – Start-ups
Passport bio page	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
VEVO statement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
491 Small Business Owner application form	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Skills assessment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Evidence of business address – commercial lease agreement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Evidence of residential address – lease, utility bill or statutory declaration	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Contract of business purchase	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bank statement(s) for business	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Evidence of business ownership	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Evidence that you have been operating the business since ownership	<input checked="" type="checkbox"/> For six months	<input checked="" type="checkbox"/> For two years
Business age – evidence that business was operating for two years prior to purchase	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Evidence that you have been working for the business full-time since ownership	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Profit and loss statement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Evidence of Australian employee/s	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Settlement statement (of business purchase)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Settlement Funds Declaration form and bank statement(s) showing declared funds	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

DOCUMENT CHECKLIST EXPLANATORY NOTES

Passport bio page – good quality colour scan of bio-page of your valid passport.

VEVO statement – Visa Entitlement Verification Online allows a visa holder to check their visa conditions and validity. Please provide a copy of your recent VEVO statement.

491 Small Business Owner application form – required for all 491 SBO applicants. This form is only available when you receive an invitation from Migration Queensland.

Skills assessment – a valid skills assessment in the applicant's nominated occupation.

Evidence of business address – please provide a copy of your current commercial rental lease agreement.

Evidence of residential address – please provide a copy of your current rental lease, or a recent (issued within last three months) utility bill with your name on it. If this cannot be provided, please provide a statutory declaration declaring your current residential address.

Contract of business purchase – all business registration details and documents of sale must be in the name of the primary applicant (not a partner or dependant). The business purchase price cannot include assets purchased after settlement; it can only include incumbent assets (including incumbent value of stock).

Bank statement(s) for business – provide two recent bank statements for the business. Please highlight staff wages and any business-related transactions including revenue.

Evidence of business ownership – provide a recent Company Extract from Australian Securities and Investments Commission (ASIC) that shows you own 100% of the business. Also provide Australian Business Number (ABN) or (A.C.N).

Evidence of that you have been operating the business since ownership

- **For business purchase – six months:** provide two quarterly BAS statements from the Australian Taxation Office (ATO) as evidence that the business has been trading for a minimum of six months after settlement. You must have operated your business for the full duration of the two quarters.
- **For start-ups – two years:** provide eight quarterly BAS statements from the ATO as evidence that the start-up has been operating for two years.

Business age – evidence that business was operating for two years immediately before purchase: provide eight quarterly BAS statements or two years of financial records as evidence that the business purchased has been operating for a minimum of two years in its current location, immediately prior to purchase.

Evidence that you have been working for the business full-time since ownership – provide a statutory declaration that declares you have been working for the business full-time (minimum of 30 hours per week) since ownership.



Profit and loss statement – must be produced by a registered accountant.

- **For business purchase:** this statement must cover the six months (minimum) immediately before submitting your EOI.
- **For start-ups:** this statement must show that the business is generating a profit and had a turnover of \$200,000 in the 12 months prior to submitting your EOI.

Evidence of Australian employee/s – provide evidence of employment of at least one Australian resident working a minimum of 20 hours a week (or two employees working a minimum of 10 hours each) at time of invitation. This cannot be a family member or a subcontractor. Acceptable evidence of residency includes copy of Australian passport, citizenship certificate, Medicare card or VEVO statement. Also provide two recent payslips that indicate the hours worked by these employees.

Settlement statement – this document must show the date and location of final settlement, list the names of buyer and seller, and show the breakdown of settlement amounts and their distribution.

Settlement Funds Declaration form and bank statement(s) showing declared funds: completed form and bank statement(s) that show the declared amount of settlement funds. The amount declared in the form and the amount on the bank statement(s) must match. Please see the Settlement funds declaration form for more information.

IMPORTANT NOTES FOR THE 491 SBO PATHWAY

To be considered for Queensland nomination:

- No vendor financing.
- No share transfer (must have a contract of business sale).
- Cannot purchase business from family member (relative). Note: a relative consists of your partner, child, parent, brother, sister, stepchild, step-parent, stepbrother or stepsister, grandparent, grandchild, aunt, uncle, niece, nephew or cousin.
- Cannot relocate or sell a business before receiving approval from MQ (prior to visa grant).
- Cannot purchase a business previously owned by a 491-SBO applicant.
- Commission agents or leasing agents of franchises (such as petrol stations), and home-based businesses (including those with virtual offices) will not be considered.
- Applicants must operate their business for at least three years in a regional area (may be subject to monitoring) after the granting of the visa.

FRANCHISES

To be considered for Queensland nomination:

If you are considering purchasing a franchise business, please ensure that you speak with the Master Franchise (franchisor) prior to purchasing. Do not purchase directly from the seller.

Have all documents prior to lodging an EOI.

Step 1: Review your eligibility criteria and visa conditions:

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

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

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

Choose Queensland as your preferred nominating 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: MQ will review your EOI. If invited, you will receive an email – **‘Queensland Nomination – Invitation to lodge an application’**.

Documents are to be uploaded electronically through the document portal link provided in your invitation 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: When you have received your invitation from MQ:

- upload the required documents, and
- **pay the non-refundable application fee** to finalise your application.

Visit www.migration.qld.gov.au/fees for detailed information on fees.

Do not pay the fee until you have been invited to apply and all your documents have been uploaded.

MQ will then review your application and may request any further information.

Step 6: Once your completed MQ application is nominated, 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.

491 SBO CASE STUDIES

Below are a few examples of small business scenarios to help you compare your circumstances.



CASE STUDY: Petrol station

Question: Gurpreet would like to purchase a lease of a petrol station in Mt Isa from the current franchisee holder for a period of five years for \$120,000 and pay this off over the period. Would this meet 491 SBO requirements?

Answer:

- No, it would not.** Gurpreet would need to own 100% of the business so investment over a 5 year period would not be acceptable.
- Gurpreet would need to own the petrol station completely, at the time of his EOI lodgement to be eligible for 491 SBO.

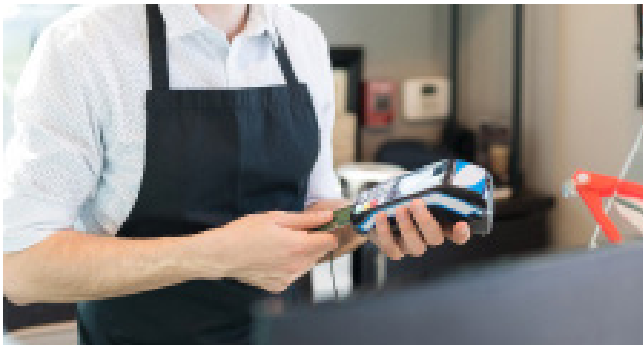


CASE STUDY: Coffee shop

Question: Minh wants to buy a coffee shop for \$100,000 and then change it to a nail salon. Would this meet 491-SBO requirements?

Answer:

- No.** You cannot substantially change the nature of the business as it needs to have an established business model and presence (as per the requirement for the business to have operated for two years).
- If Minh wanted to expand her coffee shop to include a takeaway food counter, this would meet requirements as she would be maintaining the core business and adding to its overall value.



CASE STUDY: Fish and chip shop

Question: Bob runs a fish and chip shop and is applying for nomination under 491 SBO. Bob plans to sell the business once he has been nominated. Would this meet the requirements for 491 SBO?

Answer: No it would not. Business owners must continue to operate the business for at least three years from time of visa grant. Migration Queensland may withdraw the nomination if this commitment is not met.



CASE STUDY: Transport (logistics) business

Question: William would like to purchase a logistics business and store the trucks either outside his drivers houses or at another business premises. Would this meet 491 SBO requirements?

Answer: No, it would not be acceptable as your business must have a physical presence, where business related equipment and assets are stored. Virtual offices are not accepted for the 491 SBO.

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 HA. 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 MQ 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 nominating an applicant under this pathway, Migration Queensland makes no endorsement or representation regarding:

- the business proposal or complying investments
- the viability or otherwise of the proposed business or complying investments
- 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 visa grant date, residential address and contact details to MQ once the visa is granted. . 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 the subclass 191 visa applicants must:

- Provide notices of assessment issued by the Australian Taxation Office (ATO) for three income years out of five years of your eligible visa, and
- have complied with the conditions of the regional provisional visa; including that the holder and any dependants must live, work and study in a designated regional area of Australia.

Please refer to HA website for additional eligibility criteria. It is the duty of the visa holder to understand the criteria they need to meet on a subclass 491 to be eligible to apply for subclass 191 after the required time frame. MQ takes no responsibility if an applicant does not meet subclass 191 visa requirements.

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-  @migrationqueensland
-  @qldmigration
-  @migration-queensland

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