



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.

PATHWAY 1

The minimum purchase price of 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 (EOI).

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

PATHWAY 2

Those that have started a business and have continuously run that business for a minimum of 2 years can now apply for the 491-SBO visa stream. The business must be generating a profit and have a turnover of \$200,000 in the 12 months prior to application.

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: 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.

BENEFITS OF SEEKING QUEENSLAND NOMINATION

State migration is managed for the Queensland Government by **Migration Queensland (MQ)** 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 MQ 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.

APPLICATION PROCESS

To be considered for Queensland nomination:

- Applications will be assessed against criteria met at time of application. We will not be looking at any EOIs that did not meet requirements when originally lodged. Do not edit until advise to do so.

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).
Age of purchased business	Business purchased must have been trading for a minimum of 2 years in its current location prior to purchasing.
Residency in Queensland	Have resided in regional Queensland for at least the past 6 months prior to application.
Purchase price of business (Pathway 1)	Provide evidence that you have purchased a business for a minimum of \$100,000 in regional Queensland (not available home-based businesses). All business registration details, purchase documents 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 settlement of the business. The small business owner must be operating the business for a minimum of 35 hours per week. The 6 months trading of the business will not start until 100% of the purchase price has been settled.
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. Note: an Australian resident for the purposes of the 491-SBO pathway is defined as an Australian permanent resident, Australian citizen or a New Zealand citizen usually residing in Australia on a Special Category subclass 444 visa.
Settlement funds	Provide evidence of sufficient settlement funds and family settlement.
Ownership interest	Provide evidence that you hold 100% ownership of the business.
Start-ups (Pathway 2)	Provide evidence business has been operating for a minimum of 2 years and has a \$200,000 turnover, in the 12 months prior to application. Business must also be showing a profit.

Criteria clarification for 2022–23

- 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, cousin).
- Cannot relocate or sell a business before receiving approval from MQ.
- 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.

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 eligible, you will receive an email – **'Queensland Nomination – Invitation to lodge an application'**. You will be requested to provide the following documents:

- Application form
 - Purchase contract
 - Settlement funds declaration form
 - Bank statement (Business)
 - Skills assessment
 - Evidence of business ownership/registration documents (ABN/ACN/ASIC)
 - Evidence of Australian resident employee (not a family member)
 - Evidence business has been operating for 6 months (BAS statements)
 - VEVO Applicant
 - Utility bill or lease agreement
 - Evidence of business traded for 2 years prior to purchase (8 BAS or **audited** financial)
3. Statutory declaration (stat dec) outlining work hours per week (applicant)

- Statement (future business plans)
- Settlement Statement (of business purchase)
- Profit and loss statement (from professional accounting firm)
- Passport bio page.

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: 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.

If you have been nominated by MQ 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 MQ nomination until another 6 months have lapsed. This includes an error with your points.

EXPRESSIONS OF INTEREST (EOI)

- Applicants must select 'Queensland' as their preferred nominating state.
- If a suspension period is in place, please do not submit an EOI until processing reopens.
- MQ will not go back and select any EOIs that met requirements after submission date.

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) each year for at least three years, and meet all other subclass 491 visa conditions.



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491-SBO CASE STUDIES

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



CASE STUDY 1: Petrol station

Question: Gurpreet would like 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 be the 100% owner of the business. He would also need to purchase the business for a minimum of \$100,000 and ensure that it was operating for a minimum of 2 years prior to purchasing. Investment over a 5 year period would not be acceptable.



CASE STUDY 3: Green grocer store

Question: Minh would like to purchase a Greengrocer store in Winton and add a coffee shop to this business. Would this meet 491-SBO requirements?

Answer: ✅ Yes this would be acceptable as it is expanding the business to encourage more clientele.



CASE STUDY 2: Café/restaurant

Question: Thi would like to purchase a Vietnamese Banh Mi restaurant for \$80,000. She would then like to renovate and fit out the shop and invest \$50,000 into the renovation. Would this meet 491-SBO requirements?

Answer: ❌ No, it would not. The purchase price of the business must be a minimum of \$100,000



CASE STUDY 4: Convenience store

Question: Thepul would like to purchase a convenience store at Nerang for \$120,000 and also wants to introduce deliveries services to the local community. Would this meet 491-SBO requirements?

Answer: ✅ Yes it will, as he has purchased the business for over \$100,000 and is expanding the business to introduce an additional service to the local community

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 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 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 visa granted date, residential address and contact details to MQ 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 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.

MQ 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.

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