



## **Business Innovation and Investment (Provisional) visa (subclass 188)**

### **Document checklist for visa applications**

Please refer to this checklist if your nominated assets/business(es) are in the **People's Republic of China ("the PRC")**.

For information on what this visa let you do and general eligibility, please see [Business Innovation and Investment \(Provisional\) visa \(subclass 188\)](#)

This application document checklist details the information and supporting documents required to assist with the lodgement of a complete visa application. You may be required to provide additional information and documentation after your application is lodged.

This checklist does not highlight all criteria required to be met for the grant of the visa; it only lists what documents are required to support your application.

For guidelines on documentation requirements, please refer to: [Documentation Guide for Business Innovation and Investment Visa Applications from PRC residents](#)

You should provide your supporting documents to the Hong Kong Business Skills Processing Centre immediately after you have lodged your online application. Due to the volume of evidence required, we cannot accept these documents by email. All documents must be sent by post or courier to the Australian Consulate-General Hong Kong at

Hong Kong Business Skills Processing Centre  
23/F, Harbour Centre  
25 Harbour Road  
Wan Chai, Hong Kong

Please do not email attachments as this will cause delays in the processing of your application. We do not send acknowledgement advice for the receipt of attachments.

#### **Certifying and translating documents**

Unless asked to do otherwise, you should provide 'certified copies' of original documents, rather than the original documents. For further information on certified documents, please refer to [Certifying Documents](#)

Any document in a language other than English must be accompanied by accredited English translations.

- A translator in Australia must be accredited by the National Accreditation Authority for Translators and Interpreters.
- A translator outside Australia does not need to be accredited, but they must endorse the translation with their full name, address, telephone number, and details of their qualifications and experience in the language being translated.

**Can someone else assist me in relation to my visa application?**

If you require assistance with your visa application you may consider engaging a registered migration agent to help you in your dealings with the department. The Office of the MARA website has a list of all agents with a valid registration. Please see "[Registered Migration Agent](#)"

Please note that claims made in the application and supporting documentation may be subject to verification checks. Site visit to the business premises may be conducted at any time during the assessment process. If you provide us with fraudulent documents or claims, this may result in processing delays and possibly your application being refused.

**IMPORTANT:** Please provide a selection of documents and supporting evidence that best support your claims, as processing may be delayed when excessive documents are provided.

## Business Innovation stream

If you are invited to apply for the subclass 188 visa in the Business Innovation stream, please provide the documentation under sections A to C.

<b>A. BUSINESS DOCUMENTS</b>	
<b>1) Overview</b> <ul style="list-style-type: none"><li>i) Overview of your business career. If any of your business has operated at a loss, is or has been subject to insolvency, receivership, liquidation or bankruptcy, please provide further details</li><li>ii) Overview of your business intentions in Australia: a business plan or statement to indicate your intentions to actively participate in and manage a qualifying business; describing your proposed business activities in Australia; how your role in the business requires you to be resident in Australia and indicating how the business will benefit Australia economically</li></ul>	
<b>2) Business Ownership</b> <ul style="list-style-type: none"><li>i) Business Licence</li><li>ii) To support ownership claims prior to 1 March 2014, provide full capital verification reports, share transfer agreements etc. as certified ('chopped') by the supervising Administration for Industry &amp; Commerce (AIC) office or Bureau of Market Supervision (市场监管局)</li><li>iii) To support ownership claims from 1 March 2014, provide company's Memorandum of Association and annual reports filed with the AIC or Bureau of Market Supervision with information on company profile, capital contribution and shareholding structure</li><li>iv) Historical company extracts issued by the supervising AIC office or Bureau of Market Supervision</li><li>v) Partnership agreement, Articles of Association, joint venture agreement, Ministry of Commerce approval for establishment of foreign investment enterprises where applicable</li></ul>	
<b>3) Financial Documentation</b> <ul style="list-style-type: none"><li>i) Special Purpose Report on business turnover prepared to International Standard on Related Services ("ISRS") 4400 for 2 of the 4 fiscal years immediately before the time of invitation to apply for the visa (see Documentation Guide for details)</li><li>ii) PRC financial statements of the business for the two fiscal years under review</li><li>iii) Certified true copies of Profits/Enterprise Income Tax returns and payment receipts and Business/Value Added Tax returns and payment receipts filed with the Taxation Bureau for the 2 fiscal years under review</li></ul>	
<b>4) Management</b> <ul style="list-style-type: none"><li>i) Organisational chart showing your position in the business, staff attribution, management reporting lines and functional responsibilities</li><li>ii) Photos of the business, including premises and business activities (max. six photos)</li><li>iii) Business card with current business address and your mobile phone number</li><li>iv) Evidence that you have participated in the day-to-day management of the business for two of the four fiscal years before you were invited to apply, such as business contracts, minutes of meetings and documents authorised by you</li></ul>	

The evidence needs to demonstrate your involvement in decisions about the management of all or substantial part of the business and responsibility for such areas as strategic management, recruitment, price structure, business profitability and expenditure	
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<b>B. NET ASSETS OF APPLICANT AND/OR SPOUSE OR DE-FACTO PARTNER AVAILABLE FOR TRANSFER WITHIN 2 YEARS OF GRANT</b>	
<b>*All assets should be valued at the same date within 3 months preceding the time of invitation to apply for the visa</b>	
1) A <a href="#">Form 1139A</a> Statement of Assets and Liabilities Position (SALP) outlining ALL assets and liabilities position	
2) <b>For cash assets</b> - bank statements, fixed term deposit certificates on one date* within the 3 months preceding the time of invitation to apply for the visa. All bank statements must have the same date of issue	
3) <b>For real estate assets</b> - evidence of ownership and value of properties (title deeds, evidence of purchase, evidence of mortgages or other encumbrances against properties, valuation* in accordance to standards set out in the Documentation Guide)	
4) <b>For business net assets</b> – evidence of ownership and the value to be supported by a review report in accordance with International Standard on Review Engagements (“ISRE”) 2400, the balance date should be a date within the 3 months preceding the time of invitation to apply for the visa *	

<b>C. SOURCE OF FUNDS FOR START UP CAPITAL OF THE BUSINESS AND NET ASSETS OF APPLICANT AND/OR SPOUSE OR DE-FACTO PARTNER</b>	
1) A signed declaration by the applicant on details of how those assets were acquired	
2) Evidence to substantiate claims made in the declaration on source of funds (see Documentation Guide)	

### Investor stream

If you are invited to apply for the subclass 188 visa in the Investor stream, please provide the documentation under sections D to H.

<b>D. INVESTMENT PORTFOLIO</b>	
1) Overview of your eligible investment activity or qualifying business activity If any of your business has operated at a loss, is or has been subject to insolvency, receivership, liquidation or bankruptcy, please provide further details	

<b>E. EVIDENCE OF MANAGEMENT / OWNERSHIP / VALUE</b>	
1) <b>Applications based on a Qualifying Business</b> i) Statement of management for 1 of the 5 fiscal years immediately before time of invitation, showing your direct and continuous involvement in management of the business and day-to-day decision making	

<p>ii) Organisational chart of the business for the above year, showing direct management reporting lines and functional responsibilities</p> <p>iii) Business Licence</p> <p>iv) To support ownership claims prior to 1 March 2014, provide capital verification reports, share transfer agreements etc. as certified ('chopped') by the supervising Administration for Industry &amp; Commerce (AIC) office or Bureau of Market Supervision (市场监管局)</p> <p>v) To support ownership claims from 1 March 2014, provide company's Memorandum of Association and annual reports filed with the AIC or Bureau of Market Supervision with information on company profile, capital contribution and shareholding structure</p> <p>vi) Company Search with a listing of all changes since the company's establishment issued by the supervising AIC office or Bureau of Market Supervision</p> <p>vii) Review report on the financial statements of the business (balance sheet and profit &amp; loss statement) in accordance with ISRE 2400 (see Documentation Guide)</p>	
<p><b>2) Applications based on Eligible Investments</b></p> <p>i) A summary of eligible investments claimed for 1 of the 5 fiscal years immediately before time of invitation, including their total net value and a statement of your management of each eligible investment</p> <p>ii) Evidence of your management of investments for the same year above</p> <p>iii) Each document should be clearly labelled identifying the eligible investment and cross-referencing the investment to the appropriate item on the Form 1139A Statement of Assets and Liabilities Position ("SALP")</p> <p>iv) If stocks and bonds are claimed as eligible investments, please provide:</p> <ul style="list-style-type: none"> <li>- a Special Purpose Report on Investment Activity prepared to ISRS 4400 (see Documentation Guide); and</li> <li>- Securities Account Holdings Statements (投资者记名证券持有数量) issued by both the Shanghai and Shenzhen branches of China Securities Depository and Clearing Corporation Ltd (中国证券登记结算有限公司) (see Documentation Guide)</li> </ul>	

<b>F. NET VALUE OF ASSETS OWNED BY APPLICANT AND/OR SPOUSE OR DE-FACTO PARTNER FOR THE 2 FISCAL YEARS IMMEDIATELY BEFORE TIME OF INVITATION</b>	
<p><b>1)</b> A separate Statement of Assets and Liabilities Position (SALP) <a href="#">Form 1139A</a> should be completed for:</p> <ul style="list-style-type: none"> <li>- the end of the 3 consecutive fiscal years immediately before the time of invitation to apply for the visa; and</li> <li>- at the time of invitation (where the date of invitation is 3 months or more after the end of the most recent fiscal year)</li> </ul>	
<p><b>2)</b> Each asset listed on the SALP should be cross-referenced to evidence of ownership and value. You must include evidence of liabilities (if any) against each asset (e.g. mortgages, loans including unsecured and third party loans, credit cards) (note: evidence of value for each asset / liability must be provided for each point in time as per the SALPs).</p> <p>i) For cash on deposit – bank statements, fixed term deposit certificates</p>	

ii) For real estate – title deeds, evidence of purchase, evidence of mortgages or other encumbrances against the properties, valuation in accordance to standards set out in the Documentation Guide  iii) For ownership interest in a business/loan to a business – review report on the financial statements of the business (balance sheet and profit & loss statement) in accordance with ISRE 2400  iv) For stocks and bonds – Special Purpose Report on Investment Activity prepared to ISRS 4400	
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<b>G. SOURCE OF FUNDS - CAPITAL CONTRIBUTIONS OF QUALIFYING BUSINESS OR ELIGIBLE INVESTMENTS UNDER SECTION E AND NET ASSETS UNDER SECTION F</b>	
1) A signed declaration by the applicant on details of how those assets were acquired	
2) Evidence to substantiate claims made in the declaration on source of funds (see Documentation Guide)	

<b>H. SOURCE OF FUNDS USED TO MAKE THE DESIGNATED INVESTMENTS (“DI”)</b>	
1) Evidence that funds proposed to be used to make the DI were accumulated from qualifying business and/or eligible investments (see Documentation Guide)	
2) Indication in the most recent SALP which assets will be used to make the DI	
3) Evidence of transfer for funds held outside the PRC	

### Documents for all applications

You should provide the documents in sections I to K regardless of whether you are invited to apply for the subclass 188 visa under the Business Innovation stream or the Investor stream. Provide documents only for items for which you seek to be awarded points.

<b>I. POINTS TEST</b>	
<p>Please provide the documents outlined below to support claims made in your Expression of Interest as relevant. Please cross reference documents for the award of points.</p> <p><b>** Where references are made to a ‘main business’, please note:</b></p> <ul style="list-style-type: none"> <li>- For a business to be a main business, there are certain regulatory requirements that the business must satisfy. Please refer to Reg1.11 for the definition of a ‘main business’</li> <li>- No more than two main businesses may be nominated throughout the application (i.e. an applicant could not nominate another business for the purposes of meeting the points test items if they had already nominated two main businesses in meeting the other visa criteria)</li> <li>- If the main business nominated to meet the points test items is not also nominated for the purposes of meeting the other visa criteria, please provide in relation to the business: a) business ownership records (see section A2); b) PRC financial statements and associated Enterprise Income Tax returns for the relevant year/s; and c) sample management documents to evidence your management involvement for the relevant year/s</li> </ul>	

<b>1) Age</b> – refer to personal documents required at section K	
<b>2) English</b>  i) To be awarded points for higher English language ability you must demonstrate that you have either vocational English or proficient English at the time of invitation to apply  For documentary requirements on vocational English, please refer to: <a href="#">vocational English</a>  For documentary requirements on proficient English, please refer to: <a href="#">proficient English</a>	
<b>3) Educational Qualifications</b>  i) For qualifications attained in the PRC, please provide: a) A notarial certificate of your bachelor certificate (学位证) and certificate of graduation (毕业证); and b) A credentials report (认证报告) issued by China Academic Degrees & Graduate Education Development Centre (“CDGDC”) (教育部学位与研究生教育发展中心) in relation to the bachelor qualification; and c) Academic transcripts in relation to the bachelor qualification; or ii) For qualifications attained elsewhere, please provide a certified true copy of the relevant award certificate and associated academic transcripts	
<b>4) Business Experience / Investor Experience</b>  i) For business experience, please provide evidence of the number of years you had held your main business** at the time of invitation, including: a) Business ownership records – refer to section A2; b) Financial documentation – PRC financial statements and associated Enterprise Income Tax returns and payment receipts for the years you have held ownership interest and had management involvement in the business; c) Management – sample documents to demonstrate your management involvement and decision making for the relevant years ii) For investor experience: a) Documentary evidence for the first year that will establish your history of investment experience. For example, if you are seeking to demonstrate investment experience of more than 7 years, provide evidence of investment activity for the first year of the 7 years immediately before the time of invitation; b) A SALP for the first and each subsequent year for the claimed period of investment experience to indicate that the eligible investments had a value of not less than AUD100,000 throughout the claimed investment period; and c) A statement signed by you of your management of the investments over the claimed investment period	
<b>5) Net personal and business assets (held by you and/or your spouse or de-facto partner)</b>  i) A SALP for the end of the 3 consecutive fiscal years immediately before the time of invitation to apply for the visa; and ii) For each asset/liability listed on the SALPs, provide evidence of ownership and value for each of the relevant points in time – refer to sections B2 to B4	

<p><b>6) Business Turnover</b></p> <ul style="list-style-type: none"> <li>i) If you are applying under the Business Innovation stream, please provide cross reference to documents provided at sections A2 to A4</li> <li>ii) If you are applying under the Investor stream and had an ownership interest in one or more main businesses** that had an annual turnover of at least AUD500 000 in at least 2 of the 4 fiscal years immediately before the time of invitation to apply for the visa, please refer to sections A2 to A4 for supporting documents required</li> </ul>	
<p><b>7) Innovation</b></p> <ul style="list-style-type: none"> <li>i) <b>Registered Patents / Registered Designs (known as Design Patents in the PRC)</b> <ul style="list-style-type: none"> <li>a) Documents issued by or printed from the web-based electronic databases of the State Intellectual Property Office (“SIPO”) in relation to the registered patent/design owned by you or your main business** (for details required to be included in the documents, refer to the Documentation Guide); and</li> <li>b) Where ownership was acquired via transfer, evidence of transfer such as deed of transfer, merger document, endorsed by the SIPO; and</li> <li>c) A detailed statement outlining how the registered patent or registered design is relevant to the operations of the main business** and how it is applied in the day-to-day activities of the business (evidence to support claims made in the statement should be made available upon request)</li> </ul> </li> <li>ii) <b>Registered Trademark</b> <ul style="list-style-type: none"> <li>a) Documents issued by or printed from the web-based electronic databases of Trademark Office of AIC in relation to the registered trademark owned by you or your main business** (for details required to be included in the documents, refer to the Documentation Guide); and</li> <li>b) Where ownership was acquired via transfer, evidence of transfer such as deed of transfer, merger document, endorsed by Trademark Office of AIC; and</li> <li>c) A detailed statement outlining how the registered trademark is relevant to the operations of the main business** and how it is applied in the day-to-day activities of the business (evidence to support claims made in the statement should be made available upon request)</li> </ul> </li> <li>iii) <b>Joint Venture</b> <ul style="list-style-type: none"> <li>a) A copy of the joint venture agreement between your main business** and other business/es showing: the details of the respective rights and obligations of the parties to the joint venture; and that the agreement was entered into at least one year before you were invited to apply for this visa</li> <li>b) A detailed statement outlining how you in the relevant period utilised your skills at a senior level in the day-to-day management of the joint venture business and that the joint venture was operated in accordance with the joint venture agreement (evidence to support claims made in the statement should be made available)</li> </ul> </li> <li>iv) <b>Export Trade</b> <ul style="list-style-type: none"> <li>a) Where either a review report or a special purpose report is required in meeting other visa criteria in relation to the main business**, additional procedures and findings in the report in relation to the export sales of the main business for 2 of the 4 fiscal years before the time of invitation may be included (documents such as tax returns and customs declarations reviewed by the accountant should be made available as part of the reports); or</li> </ul> </li> </ul>	



<p>b) Where neither reports are required in meeting other visa criteria in relation to the main business** (i.e. another main business was nominated for the purposes of other visa criteria), you should provide the value added tax returns filed with the relevant taxation bureau showing the cumulative turnover and export sales of the business for 2 of the 4 fiscal years immediately before the time of invitation, and representative samples of the associated customs declarations (出口货物报关单) and/or underlying export transaction documents</p> <p><b>v) Gazelle Business</b></p> <p>a) A business license or company search issued by the supervising Administration for Industry &amp; Commerce office which shows the main business** was registered no more than five years before you were invited to apply for this visa; and</p> <p>b) Financial documentation – PRC financial statements and associated Enterprise Income Tax returns and receipts of the business for 4 consecutive fiscal years prior to the time of invitation showing an average annualised growth in turnover greater than 20 per cent per year over three consecutive fiscal years; and</p> <p>c) Evidence that you have had 10 or more full-time employees for at least one fiscal year in the same consecutive three-year period claimed for growth in turnover, such as taxation records, insurance or superannuation records or similar business records identifying each employee by name</p> <p><b>vi) Receipt of Grant or Venture Capital Funding</b></p> <p>a) In relation to government grants:</p> <ul style="list-style-type: none"> <li>- The grant letter issued by the relevant PRC government authority outlining the basis of the grant; and</li> <li>- Bank records showing the transfer of the grant money from the government authority to you or your main business** was made within the 4 years before you were invited to apply for this visa</li> </ul> <p>b) In relation to venture capital funding:</p> <ul style="list-style-type: none"> <li>- A copy of the final contract entered into between you or your main business** and the venture capital firm with a plain English letter to explain the amount and purpose of the venture capital; and</li> <li>- Documents in relation to the transfer of capital into the investee company including but not limited to a Memorandum of Association and the shareholders' agreement of the investee company showing the venture capital was received within the 4 years before you were invited to apply for this visa</li> </ul>	
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<b>J. ENGLISH LANGUAGE ABILITY</b>	
<p>1) All applicant aged 18 years or older at the time of application should have at least functional English. <a href="#">“How can I prove I have functional English?”</a> explains how you can demonstrate your language ability</p> <p>2) If you or your dependants have less than functional English, provide a statement indicating your intention to pay the second visa application charge for each person with less than functional English.</p>	

<b>K. PERSONAL DOCUMENTS</b>	
<b>1)</b> Certified copies of the biographical pages of the current passports of all people included in the application (where passport is renewed after application lodgement, certified copy of the renewed passport is required to be submitted)	
<b>2)</b> Identity cards issued by the PRC authority and HKSAR authority where appropriate	
<b>3)</b> Notarial certificates of birth for all applicants (and hospital issued birth certificates where available)	
<b>4)</b> If any applicant included in the application has changed their names, provide a notarial certificate of the name change	
<b>5)</b> Household registration	
<b>6)</b> Marriage certificate or evidence of de facto relationship for at least 12 months (e.g. joint bank account statements, joint ownership of major assets)	
<b>7)</b> Divorce certificate and evidence of custody for children where appropriate	
<b>8)</b> Evidence of financial dependency for all dependents aged 18 or older	
<b>9)</b> If you want to bring a child younger than 18 years of age with you to Australia, and that child's other parent is not included in the application, provide documentary evidence that you have the legal right to bring that child to Australia, including: <ul style="list-style-type: none"> <li>• a notarial statement of consent from the non-migrating parent together with contact number of the parent giving consent; or</li> <li>• a completed <a href="#">form 1229 (consent form to grant an Australian visa to a child under the age of 18 years)</a> with a certified copy of the non-migrating parent's government-issued identification document (e.g. passport) with their photograph and signature; or</li> <li>• Certified copies of official legal documents, such as a court-issued order permitting the removal of the child for settlement in Australia</li> </ul>	
<b>10)</b> If any dependent child included in the application is adopted, provide the official adoption certificate and adoption papers	
<b>11)</b> 1 recent (not more than 12 months) passport sized photo of each applicant (print the name of the person on the back of each photo)	
<b>12)</b> Applicant's address in Chinese characters	
<b>13)</b> Certified copy of military discharge certificate for applicants who have served in the armed forces of any country for any length of time, in either a voluntary or compulsory capacity, in the past 10 years	