



Business Innovation and Investment (Provisional) visa (subclass 188) Document checklist for visa applications

Please refer to this checklist if you base your claims on business/es that operate/s in **Hong Kong**.

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 was 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.

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 requested, 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 advices 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.

| A. BUSINESS DOCUMENTS | |
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| <p>1) Overview</p> <ul style="list-style-type: none">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 detailsii) 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 | |
| <p>2) Business Ownership</p> <ul style="list-style-type: none">i) Sole Proprietors / Partnerships<ul style="list-style-type: none">a) Application by an Individual for Registration of Business(es) certified by the Business Registration Officeb) Business Registration Certificate (IRDB 101) for each of the relevant yearsc) Profits Tax returns to identify the partners and their respective percentage ownership in the business (applicable to Partnership only)ii) Incorporated Companies<ul style="list-style-type: none">a) Certificate of Incorporation and Memorandum and Articles of Associationb) Business Registration Certificate (IRDB 101) for each of the relevant yearsc) Annual Return (form AR1) certified by the Company Registry for each of the relevant years | |
| <p>3) Financial Documentation</p> <ul style="list-style-type: none">i) Sole Proprietors / Partnerships<ul style="list-style-type: none">a) Audited financial statements (as provided to HK IRD), with comments on loans to and from the business, for 2 of the 4 fiscal years immediately before the time of invitation to apply for the visa (or, if audited financial statements are not available, provide 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 visab) Profits Tax returns and Notice of Assessment for each of the relevant yearsii) Incorporated Companies<ul style="list-style-type: none">a) Audited financial statements (as provided to HK IRD), with comments on loans to and from the business, for 2 of the 4 fiscal years immediately before the time of invitation to apply for the visab) Profits Tax return and Notice of Assessment for each of the relevant years | |
| <p>4) Management</p> <ul style="list-style-type: none">i) Organisational chart showing your position in the business, staff attribution, management reporting lines and functional responsibilities | |

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| <p>ii) Photos of the business, including premises and business activities (max. six photos)</p> <p>iii) Business card with current business address and your mobile phone number</p> <p>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</p> <p>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</p> | |
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| <p>B. NET ASSETS OF APPLICANT AND/OR SPOUSE OR DE-FACTO PARTNER AVAILABLE FOR TRANSFER WITHIN 2 YEARS OF GRANT</p> <p>*All assets should be valued at the same date within 3 months preceding the time of invitation to apply for the visa</p> | |
| <p>1) A Form 1139A Statement of Assets and Liabilities Position (SALP) outlining ALL assets and liabilities position</p> | |
| <p>2) For cash assets - bank statements, fixed term deposit certificates on one date* within the 3 months preceding the time of invitation to apply for the visa.</p> | |
| <p>3) For real estate assets - evidence of ownership and value of properties (current and historical land search from the Land Register, evidence of any mortgages or other encumbrances against properties, valuation* by an international valuation firm, a qualified member of Royal Institute of Chartered Surveyors or a HK registered professional surveyor holding a valid Certificate of Registration issued by the Surveyors Registration Board)</p> | |
| <p>4) For business net assets – 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 *</p> | |

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

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.

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| <p>D. INVESTMENT PORTFOLIO</p> | |
| <p>1) Overview of your eligible investment activity or qualifying business activity</p> <p>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</p> | |

E. EVIDENCE OF MANAGEMENT / OWNERSHIP / VALUE

1) Applications based on a Qualifying Business

- i) Statement of management for 1 of the 5 fiscal years immediately before time of invitation
- ii) Organisational chart of the business for the above year. This should show direct reporting lines and functional responsibilities.
- iii) For sole proprietors/partnerships,
 - a) Application by an Individual for Registration of Business(es) certified by the Business Registration Office
 - b) Business Registration Certificate (IRDB 101) for each of the relevant years
 - c) Profits Tax returns to identify the partners and their respective percentage ownership in the business (applicable to Partnership only)
- iv) For Incorporated companies,
 - a) Certificate of Incorporation and Memorandum and Articles of Association
 - b) Business Registration Certificate (IRDB 101) for each of the relevant years
 - c) Annual Return (form AR1) certified by the Company Registry for each of the relevant years
- v) Review report on the financial statements of the business (balance sheet and profit & loss statement) in accordance with ISRE 2400 with comments on loans to and from the business
- vi) Profits Tax return and Notice of Assessment for each of the relevant years

2) Applications based on Eligible Investments

- 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
- ii) Evidence of your management of investments for the same year above
- iii) Each document should be clearly labelled identifying the eligible investment and cross-referencing the investment to the appropriate item on the Statement of Assets and Liabilities Position ("SALP")
- iv) If stocks and bonds are claimed as eligible investments, please provide:
 - a statement of confirmation from the securities company detailing the amount of cash and quantity and market value of stocks/bonds
For cash on deposit:
 - bank statements, fixed term deposit certificates
 - For real estate:
 - current and historical land search from the Land Register, evidence of any mortgages or other encumbrances against properties, valuation by an international valuation firm, a qualified member of Royal Institute of Chartered Surveyors or a HK registered professional surveyor holding a valid Certificate of Registration issued by the Surveyors Registration Board

| 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 | |
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| <p>1) A separate Statement of Assets and Liabilities Position (SALP) Form 1139A should be completed for:</p> <ul style="list-style-type: none"> - the end of the 3 consecutive fiscal years immediately before the time of invitation to apply for the visa; and - at the time of invitation (where the date of invitation is 3 months or more after the end of the most recent fiscal year) | |
| <p>2) 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> <ul style="list-style-type: none"> i) For cash on deposit - bank statements, fixed term deposit certificates ii) For real estate - current and historical land search from the Land Register, evidence of any mortgages or other encumbrances against properties, valuation by an international valuation firm, a qualified member of Royal Institute of Chartered Surveyors or a HK registered professional surveyor holding a valid Certificate of Registration issued by the Surveyors Registration Board <p>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</p> <ul style="list-style-type: none"> iii) For stocks and bonds – a statement of confirmation from the securities company detailing the amount of cash and quantity and market value of stocks/bonds | |

| G. SOURCE OF FUNDS - CAPITAL CONTRIBUTIONS OF QUALIFYING BUSINESS OR ELIGIBLE INVESTMENTS UNDER SECTION E AND NET ASSETS UNDER SECTION F | |
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| <p>1) A signed declaration by the applicant on details of how those assets were acquired</p> | |
| <p>2) Evidence to substantiate claims made in the declaration on source of funds, e.g. evidence supporting ownership and dividends received from a previous business; evidence of trading and profits gained from the share market, etc.</p> | |

| H. SOURCE OF FUNDS USED TO MAKE THE DESIGNATED INVESTMENTS (“DI”) | |
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| <p>1) Evidence that funds proposed to be used to make the DI were accumulated from qualifying business and/or eligible investments - e.g. evidence of dividends or retained profit in business available for distribution, purchase and sale contracts of real estate)</p> | |
| <p>2) Indication in the most recent SALP which assets will be used to make the DI</p> | |

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. Provided documents only for items for which you seek to be awarded points.

| I. POINTS TEST | |
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| <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>** Where references are made to a 'main business', please note:</p> <ul style="list-style-type: none"> - 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' - 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) - 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) Financial statements (for sole proprietors and partnerships / audited financial statements (for incorporated companies) and Profits Tax return and Notice of Assessment for the relevant year/s; and c) sample management documents to evidence your management involvement for the relevant year/s | |
| <p>1) Age – refer to personal documents required at section K</p> | |
| <p>2) English</p> <p>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.</p> <p>For documentary requirements on vocational English, please refer to: vocational English</p> <p>For documentary requirements on proficient English, please refer to: proficient English</p> | |
| <p>3) Educational qualifications</p> <ul style="list-style-type: none"> i) For qualifications attained other than in the PRC, please provide a certified true copy of the relevant award certificate and associated academic transcripts; or ii) For qualifications attained in the PRC, please provide: <ul style="list-style-type: none"> 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 | |

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| <p>4) Business experience / Investor experience</p> <p>i) For business experience, please provide evidence of the number of years you had held your main business** at the time of invitation, including:</p> <ul style="list-style-type: none"> a) Business ownership records – refer to section A2; b) Financial documentation – financial statements (for sole proprietors and partnerships / audited financial statements (for incorporated companies) and Profits Tax return and Notice of Assessment for the relevant year/s 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 each of the years you have held ownership interest and had management involvement in the business <p>ii) For investor experience:</p> <ul style="list-style-type: none"> a) Documentary evidence for the first year that will establish your history of investment experience. E.g. if you are seeking to demonstrate investment experience of greater 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 | |
| <p>5) Net personal and business assets (held by you and/or your spouse or de-facto partner)</p> <p>i) A SALP for the end of the 3 consecutive fiscal years immediately before the time of invitation to apply for the visa; and</p> <p>ii) For each asset/liability listed on the SALPs, evidence of ownership and value for each of the relevant points in time – refer to sections B2 to B4</p> | |
| <p>6) Business turnover</p> <p>i) If you are applying under the Business Innovation stream, please provide cross reference to documents provided at sections A2 to A4</p> <p>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</p> | |

7) Innovation

i) Registered Patents / Registered Designs

- a) Documents issued by the relevant intellectual property administration office to prove the registered patent/design owned by you or your main business**; and
- b) Where ownership was acquired via transfer, evidence of transfer such as deed of transfer, merger document, endorsed by the relevant intellectual property administration office; and
- c) A detailed statement outlining how the registered patent/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)

ii) Registered trademark

- a) Documents issued by the relevant intellectual property administration office to prove the registered trademark owned by you or your main business**; and
- b) Where ownership was acquired via transfer, evidence of transfer such as deed of transfer, merger document, endorsed by the relevant intellectual property administration office; and
- 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 including actual use of the mark to identify goods and/or services of the business (evidence to support claims made in the statement should be made available upon request)

iii) Joint venture

- 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; and
- b) A detailed statement on 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)

iv) Export Trade

- 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
- 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 profits tax returns filed with Inland Revenue Department showing the declared 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 and/or underlying export transaction documents

v) Gazelle Business

- a) A business license or company search issued by the supervising Administration for Industry & Commerce office which show the date of

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| <p>registration of your main business**; and</p> <p>b) Financial documentation – Financial statements (for sole proprietors and partnerships) / audited financial statements (for incorporated companies) and Profits Tax return and Notice of Assessment 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 employee 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>vi) Receipt of Grant or Venture Capital Funding</p> <p>a) In relation to government grants:</p> <ul style="list-style-type: none"> - The grant letter issued by the relevant Hong Kong government authority outlining the basis of the grant; and - 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 <p>b) In relation to venture capital funding:</p> <ul style="list-style-type: none"> - The final contract entered 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 - Documents in relation to the transfer of capital into the investee company including but not limited to a capital verification report 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 | |
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| J. ENGLISH LANGUAGE ABILITY | |
| <p>1) All applicant aged 18 years or older at the time of application should have at least functional English. “How can I prove I have functional English?” 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> | |

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| K. PERSONAL DOCUMENTS | |
| <p>1) Certified copies of the biographical pages of 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)</p> | |
| <p>2) Identity cards issued by the HKSAR authority where appropriate</p> | |
| <p>3) Birth certificates for all applicants</p> | |
| <p>4) Marriage certificate or evidence of defacto relationship for at least 12 months (e.g. joint bank account statements, joint ownership of major assets)</p> | |

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| 5) Divorce certificate and evidence of custody for children where appropriate | |
| 6) If any dependant child included in the application is adopted, provide the official adoption certificate and adoption papers | |
| 7) Evidence of dependency for all dependents aged 18 or older | |
| <p>8) 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:</p> <ul style="list-style-type: none"> • a notarial statement of consent from the non-migrating parent together with contact number of the parent giving consent; or • a completed form 1229 (consent form to grant an Australian visa to a child under the age of 18 years) with a certified copy of the non-migrating parent's government-issued identification document (e.g. passport) with their photograph and signature; or • Certified copies of official legal documents, such as a court-issued order permitting the removal of the child for settlement in Australia | |
| 9) 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) | |