



Commonwealth of Australia

Migration Regulations 1994

**POINTS FOR BUSINESS INNOVATION STREAM AND INVESTOR STREAM OF
BUSINESS INNOVATION AND INVESTMENT (PROVISIONAL) VISA**

(Subclauses 188.222(1) and 188.242(1))

I, *CHRIS BOWEN*, Minister for Immigration and Citizenship, acting under subclauses 188.222(1) and 188.242(1) of Schedule 2 to the *Migration Regulations 1994* ('the Regulations'):

1. SPECIFY for the purposes of subclauses 188.222(1) and 188.242(1) of Schedule 2 to the Regulations, that the minimum number of points for both the **Business innovation stream** and the **Investor stream** of the Business Innovation and Investment (Provisional) visa under the business innovation and investment points test is **65 points**.

This Instrument, IMMI 12/041, commences on **1 July 2012**, immediately after the commencement of *Migration Amendment Regulation 2012 (No. 2)*.

Dated 12 June 2012

Minister for Immigration and Citizenship

Chris Bowen

[NOTE 1: Subclause 188.222(1) provides that the applicant's score on the business innovation and investment points test is not less than the number of points specified by the Minister in an instrument in writing for that subclause.]

NOTE 2: Subclause 188.242(1) provides that the applicant's score on the business innovation and investment points test is not less than the number of points specified by the Minister in an instrument in writing for that subclause.]

EXPLANATORY STATEMENT

Migration Regulations 1994

POINTS FOR BUSINESS INNOVATION STREAM AND INVESTOR STREAM OF BUSINESS INNOVATION AND INVESTMENT (PROVISIONAL) VISA

(Subclauses 188.222(1) and 188.242(1))

1. This Instrument is made under subclauses 188.222(1) and 188.242(1) of Schedule 2 to the *Migration Regulations 1994* ('the Regulations').
2. Subclause 188.222(1) of the Regulations provides that if a person applies for a Subclass 188 visa in the Business Innovation stream the applicant's score on the business innovation and investment points test is not less than the number of points specified by the Minister in an instrument in writing.
3. Subclause 188.242(1) of the Regulations provides that if a person applies for a Subclass 188 visa in the Investor stream the applicant's score on the business innovation and investment points test is not less than the number of points specified by the Minister in an instrument in writing.
4. The purpose of the Instrument is to specify within a Legislative Instrument rather than the *Migration Regulations 1994* the **minimum number of points** that an applicant **for a Subclass 188 (Business Innovation and Investment (Provisional)) visa** must score.
5. Consultation was undertaken before this Instrument was made with a wide range of Commonwealth Government Departments, State/Territory Government Departments, representative peak bodies for Migration Agents and the legal profession, and other relevant organisations.
6. The Office of Best Practice Regulation was consulted in relation to the new points test and has advised that a Regulatory Impact Statement is not required (OBPR Reference 2011/13095).

7. Under section 44 of the *Legislative Instruments Act 2003* the Instrument is exempt from disallowance and therefore a Human Rights Statement of Compatibility is not required.
8. The instrument commences on **1 July 2012**, immediately after the commencement of *Migration Amendment Regulation 2012 (No. 2)*.