

# 2013

## ALMS MIGRATION PROGRAM



Thang Hoang

Australian Legal and Migration Services

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## **I. INTRODUCTION**

Australian Legal and Migration Services offers Premium Migration and Legal services. We have offices in Chatswood and Cabramatta within Sydney Metropolitan.

Our principal lawyer is Brett Leybourne. Mr. Leybourne has in excess of twenty years experience in legal services. He has worked in various areas of the legal system including migration, litigation, conveyancing, wills, probate, and refinancing mortgages. He is now focusing on litigation and immigration law.

Mr. Pho Quang Hang is our Business Development Chief Officer who has more than 15 years in legal industry and had been cooperating with many law firms in NSW. Mr. Hang is one of the most reputable Community Leader in South Western Sydney. Other than working in legal industry, Mr. Hang also is president of ACDMA Australia.

Thang Hoang is our solicitor based in Cabramatta Office. Mr. Hoang had experience dealing with both Vietnamese and Australian Law. He is holding Bachelor of Law in Vietnam, Juris Doctor at University of Technology Sydney and Master of Intl Trade and Commercial Law at Macquarie University. His transnational legal experience is a great asset of the firm. He also possesses years experience in Australian Migration Law through his employment.

In this paper, we would like to introduce some visa categories that could potentially bring you, the skilled person into Australia.

**If you require further assistance, please do not hesitate to contact us.**

**Suite 29, 97-99 John Street, Cabramatta NSW 2166**

**PO BOX 352 Cabramatta NSW 216**

**Tel: (02) 9723 2522**

**Fax: (02) 9723 9886**

**Email: [info@alms.net.au](mailto:info@alms.net.au)**

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## **II. AUSTRALIAN IN GENERAL**

Australia is a unique and diverse country in every way - in culture, population, climate, geography, and history

### **Culture**

Australian culture is as broad and varied as the country's landscape. Australia is multicultural and multiracial and this is reflected in the country's food, lifestyle and cultural practices and experience.

Australia has an important heritage from its indigenous people, which plays a defining role in the cultural landscape.

This diversity of influences creates a cultural environment in Australia that is lively, energised, innovative and outward looking.

### **Population**

As of October 2012, Australia's population is roughly 22.7 million people. The most populous states are New South Wales and Victoria, with their respective capitals, Sydney and Melbourne, the largest cities in Australia.

Australia's population is concentrated along the coastal region of Australia from Adelaide to Cairns, with a small concentration around Perth, Western Australia. The centre of Australia is sparsely populated.

### **Climate**

The majority of Australia experiences temperate weather for most of the year.

The northern states of Australia are typically warm all the time, with the southern states experiencing cool winters but rarely sub-zero temperatures.

Snow falls on the higher mountains during the winter months, enabling skiing in southern New South Wales and Victorian ski resorts, as well as the smaller resorts in Australia's island state, Tasmania.

### **Geography**

Australia is an island continent and the world's sixth largest country (7,682,300 sq km).

Lying between the Indian and Pacific oceans, the country is approximately 4,000 km from east to west and 3,200 km from north to south, with a coastline 36,735 km long.

Canberra is Australia's capital city. With a population of approximately 320,000 people and situated in the Australian Capital Territory, Canberra is roughly half way between the two largest cities Melbourne and Sydney.

Australia has 19 listed World Heritage properties. Australia is also famous for its landmark buildings including the Sydney Harbour Bridge; its ancient geology, as well as for its high country.

### **Quality of life**

Australia's political and economic advantages are complemented by its welcoming attitude and excellent quality of life. In 2009, Australia's quality of life was ranked 6th in the world out of 57 key economies, ahead of New Zealand, the USA and the UK (Source: IMD World Competitiveness Online 1995-2009, Worldwide Quality of Life Index 2009).

Australia ranked second on the UNDP Human Development Index 2009, behind only Norway, and Australia's life expectancy (81 years) was the fifth highest in the world. The level of access to healthcare professionals and services in Australia is also amongst the highest in the world.

### **Legal system**

Australia follows a Westminster system of government and law inherited from the British who originally colonised the country.

There are two main political parties and a number of minor parties, which make up the Commonwealth Parliament. Each state and territory also has its own government.

### **Health Care System**

The Australian Government provides help with some medical, optometrist and hospital expenses through a scheme called Medicare. Medicare provides **free treatment** as a public (Medicare) patient in a public hospital and patient subsidies for private treatment by doctors and specialists. It also covers some limited services by optometrists, nurse practitioners, midwives and dentists. If you reach a Medicare Safety Net threshold, visits to your doctor or having tests may end up costing you even less.

### **Education**

In Australia children must attend school from five years of age until they finish Year 10. After Year 10 they must participate in full-time education, training or employment or a combination of these activities (at least 25 hours per week) until they finish Year 12 or reach 17 years of age. Government schools **provide free education.**

The university students may obtain the loan from government to pay for their tuition fees, therefore, parents will not need to worry about their financial position too much to provide children with high quality education.

### **III. OUR VISA PROGRAM**

There are various type of visas allow you to enter Australian in both temporarily or permanently basis. Australian Legal and Migration Services would like to introduce to our potential clients some of the key visa that allow you to enter Australia.

#### **The Employer Nomination Scheme**

An employer may sponsor an overseas skilled worker for a permanent visa in a permanent role via visa scheme call **“The Employer Nomination Scheme”** . This is a permanent visa that allows you and your whole family to stay in Australian indefinitely. You will be eligible for Australian Citizenship an access almost all benefit available for a Citizen.

We will help you to find the suitable Employers who have genuine need of a skilled worker from overseas to undertake the work in Australia and willing to sponsor you to work permanently in Australia.

The Requirement for the applicant

There will be three main requirements for this type of permanent Visa

1. You must at least hold a University Degree (Degree from English Speaking Countries will put you in very good position for visa application) in order to obtain positive skills assessment in Australia.
2. You must be able to provide evidence of at least three years of relevant work experience.
3. You must have competent English (score at least 6 out of 9 for all four components of the IELTS test)

#### **457 Visa For The Business Owner, Permanent Visa After 06 Months**

This is a solution to migrate to Australian rather than a type of Visa. You will first enter Australia on 457 Visa then you may apply for permanent resident 06 months after arriving. This approach is increasingly becoming difficult, however, we will put our best effort to secure your visa.

The main Requirements for this program:

1. You must be sponsored by a Vietnamese Company which has strong financial capacity to 457 Visa to help the company set up a Subsidiary Company in Australia.  
**The company could be owned by you.**
2. You must possess formal relevant qualification in Australia or overseas (Degree from English Speaking Countries will put you in very good position for visa application), formal qualification is not required if having more than 03 years working experience. However, the nomination may be subject to Market Testing before the job is available to visa 457 applicant.

3. You must have at least 03 years relevant experience is required.
4. You must have competent English (score at least 6 out of 9 for all four components of the IELTS test). Otherwise, you must be paid \$250,000 dollars Salary

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

This is a type of visa suitable for someone has strong intention to invest into Australia. You must first submit an Expression of Interest through [SkillSelect](#). You may then be invited to apply for this visa. There are three Visa Streams that you can apply through.

As your Migration Agent, we will put our best effort to obtain the invitation/approval from relevant state and federal authorities for to your investment business so that you can apply this type of visa.

#### ***Business Innovation stream***

You must:

- be younger than 55 years of age
- score at least 65 on the Innovation Points test (We will assess whether you satisfy this requirement upon receipt all relevant personal and business information from you).
- have a total annual turnover of at least AUD500 000 (in one or more of your main businesses) in at least two of the four fiscal years immediately before you are invited to apply
- own **at least one** of the following percentages of that main business (or two main business):
  - 51 per cent of a business with a turnover of less than AUD400 000 per annum
  - 30 per cent of a business with a turnover of more than AUD400 000 per annum
  - 10 per cent of a publicly-listed company
- have managed a business, in which you spent less than half your time on professional (such as a doctor or lawyer), technical or trade services
- have a genuine desire to own and maintain a management role in a business in Australia.

You (or your partner, or you and your partner combined) must also:

- have total assets of at least AUD800 000 that have been legally acquired and able to be legally transferred to Australia within two years of the visa being granted
- have an overall successful business career with no involvement in unacceptable business activities.

### ***Investor stream***

You must:

- be younger than 55 years of age
- score at least 65 on the Innovation Points test, (We will assess whether you satisfy this requirement upon receipt all relevant personal and business information from you).
- have a high level of management skill in relation to eligible investments or qualifying business activity
- have at least three years' experience of direct involvement in managing one or more qualifying businesses or eligible investments
- have a genuine and realistic commitment to continuing your business and investment activity in Australia after the original investment has matured.

You (or your partner, or you and your partner combined) must also:

- have a total assets of at least AUD2.25 million for the two fiscal years immediately before you are invited to apply. These assets must have been legally acquired and able to be legally transferred to Australia within two years of the visa being granted
- have an overall successful record of eligible investment or qualifying business activity with no involvement in unacceptable activities
- be prepared to make your government-approved designated investment of AUD1.5 million using funds you have accumulated from your direct involvement, for at least one of the five fiscal years before you are invited to apply, in one of the following activities:
  - managing your eligible investments that total at least AUD1.5 million
  - managing a qualifying business in which you owned at least 10 per cent of the total value of the business.

### ***Significant Investor stream***

If you apply for the Significant Investor stream, you must be prepared to invest at least AUD5 million in at least one of the following 'complying investments':

- Commonwealth, state or territory government bonds
- Australian Securities and Investment Commission (ASIC) regulated managed funds that are open to the general public and have a mandate for investing in one of the following Australian assets:
  - infrastructure projects in Australia;
  - cash held by Australian deposit taking institutions;



- bonds issued by the Commonwealth Government or a State or Territory government;
  - bonds, equity, hybrids or other corporate debt in Australian companies and trusts listed on any Australian Stock Exchange;
  - bonds or term deposits issued by Australian financial institutions;
  - real estate in Australia;
  - Australian Agribusiness; and
  - other ASIC regulated managed funds that invest in the above list of investments.
- direct investment into private Australian companies not listed on any Australian stock exchange. You must obtain an ownership interest in the company. The company must:
  - genuinely operate a qualifying business in Australia
  - be registered with ASIC
  - have an Australian Business Number (ABN).

You must also:

- have a genuine and realistic commitment to continue your business and investment activity in Australia after the complying investment has been held continuously for the life of your provisional visa
- have a genuine and realistic commitment to reside in the state or territory that provided nomination for your application.

In addition, you (or your partner, or you and your partner combined) must:

- have assets of at least AUD5 million that have been legally acquired, are unencumbered, and are available to be used to make the 'complying investment' in Australia
- not have a history of involvement in unacceptable business or investment activities
- agree not to take legal action against the Commonwealth for any loss of capital arising from your complying investment

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