

Resident Return Visas

All Australian permanent residents travelling overseas who wish to return to Australia as permanent residents need a Resident Return Visa.

A. There are two main types of Resident Return Visas:

1. Subclass 155 - Five year resident return

This visa permits the holder to travel to and enter Australia during a period of *five years* from date of grant and to remain in Australia indefinitely.

You may be eligible for this visa if:

- you have been physically and lawfully in Australia as the holder of a permanent visa for a period totalling at least *two years* in the immediate past *five years*;
- **or**
- (*concessional*): you have a current, substantial business / employment, cultural or personal ties within Australia which are of benefit to Australia; and have not been absent from Australia for a continuous period of five years or more unless there were compelling circumstances for the absence.

(See commentary below on *Concessional Resident Return Visa*.)

2. Subclass 157 - Three month resident return

This visa permits the holder to travel to and enter Australia during a period of *three months* from the date of grant and to remain in Australia indefinitely.

This visa is for people who have a need to travel overseas and return to Australia but have spent less time in Australia and have strong ties to Australia.

You may be eligible for this visa if you:

- have been physically and lawfully in Australia as the holder of a permanent visa for a period totaling *less than two* years in the immediate past *five* years;
- **and**
- have compelling and compassionate reasons to travel to or from Australia in the next three months.

B. Concessional Resident Return Visa

If you are entitled to a Subclass 155 (five years) visa on *concessional* grounds, the following is a guide to the documents required for lodgment at the Department of Immigration:

- if you are *accompanying an Australian citizen* travelling overseas as part of his or her family unit, you must provide evidence of your relationship to that Australian citizen (birth and/or marriage certificates) and evidence of his or her Australian citizenship; or
- if you and your accompanying family are being *posted overseas* for a temporary period, you must provide evidence from your employer that the employer is either an Australian government (including State government) agency, the United Nations and some other international organisations or a *company or other organisation with its principal office in Australia* and that you are usually employed by that employer in Australia; or
- if you are required to *travel in the interests of a business in Australia* which you have established or in which you are taking part, you must provide details of your business established in Australia, the nature of your overseas business activities and relevant supporting documents.

In this part (ie. travel in the interests of a business in Australia), the *Migration Regulations* state that an applicant meets the requirement of Subclause 155, if the applicant has been an Australian permanent resident at some time in the period of five years immediately before the application for the visa, and is a person who:

- (i) has established, or is taking part in, a business in Australia that has done, or is likely to do, any of the following:
 - (a) create or maintain employment in Australia;
 - (b) introduce into Australia new or improved technology for the production of goods or the provision of services;
 - (c) produce goods, or provide services, in Australia for export;
 - (d) produce goods, or provide services to replace imported goods or services;**and**
- (ii) is required to travel outside Australia in the interests of that business.

C. Refusal of Visa

If you are refused a Resident Return Visa in Australia, you have a right to seek a review of the decision.

Applicants outside Australia only have a right to seek a review if they have a parent, spouse, child, brother or sister who is either an Australian citizen or an Australian permanent resident.

Comasters can help clients with the preparation of a comprehensive application to the Immigration Department for a Subclass 155 Concessional Visa.

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Important: This is not advice. Clients should not act solely on the basis of the material contained in this paper. Our formal advice should be sought before acting on any aspect of the above information.

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