

Filipino Migrants Forum

DO YOU NEED A RESIDENT RETURN VISA?

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Initial permanent resident visas granted in Australia or overseas normally include a five year resident return component. The return visa component appears at the end of the validity endorsement in the centre of the visa label and generally reads “*for multiple return journeys before -----*”.

After the expiration of the validity date, the permanent resident visa holder must not travel to or from Australia without a new resident return visa.

There are three subclasses of Resident Return Visa and periods of validity differ: five year or three months.

Generally, the applicants must establish that they are permanent resident visa holders, holders of a resident visa, or an Australian passport, when they last departed from Australia.

Both the Five year Resident Return visa and the Three month Resident Return visa can be applied for either in Australia or overseas. However applications made in Australia may not be made in Immigration clearance (at point of entry whether a sea or airport).

- A. A **five year resident return visa** is usually granted to those who have been lawfully present in Australia as permanent residents for a period of, or periods that total, not less than 2 years in the period of 5 years immediately before the application for the visa.

In cases where the applicant is unable to meet the 2 year residence provision a five year resident return visa may still be granted if the Minister is satisfied that the applicant has substantial business, cultural, employment or personal ties with Australia which are of benefit to Australia and:

- In the case of an application made outside Australia, the applicant has not been absent from Australia for a continuous period of 5 years immediately before the application is made and was a permanent resident on departure unless there are compelling reasons for the absence or;
- In the case of an application made in Australia, has not been absent from Australia for a continuous period of 5 years or more since the date of grant of the applicant's most recent permanent visa unless there are compelling reasons for the absence.

B. A three month Resident Return visa is usually granted to an applicant who has compelling and compassionate reasons for departing Australia but is unable to meet either the 2 year residence requirement or satisfy the Minister that he/she has substantial business, cultural, employment or personal ties with Australia which are of benefit to Australia

Where the application is made outside Australia, the applicant may not have been absent from Australia for a continuous period of more than 3 months immediately before making the application for the visa, unless the Minister is satisfied that there are compelling and compassionate reasons for the absence.

C. A Provisional Resident Return visa may only be applied for and be granted overseas and is used in those cases where applicants claim to be Australian permanent residents but have no evidence to support their claim. This Temporary visa permits the holder to travel to and enter Australia *once only within 3 months of grant* and to remain in Australia for 3 months.

Social Security benefits and **Medicare entitlements** may be affected by prolonged absences from Australia. Centrelink and Medicare office should be advised in advance of travel plans and intended period of absence to avoid the recovery action involved with any overpayment of allowances which might occur or non recovery of Medicare benefits.

Readers of the Philippine Community Herald Newspaper are invited to send their comments to "The President, Filipino Migrants Forum" c/o Imelda Argel & Associates, Solicitors & Attorneys, by email at info@iargel.com.au or by fax at (+612) 9699 3210 or by post to Suite 41, Ground Floor 61-89 Buckingham St. SURRY HILLS NSW 2010.

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