

FORMER RESIDENT VISA

MIGRATE TO AUSTRALIA AS A FORMER RESIDENT VISA

Ferguson Cannon are Migration Lawyers and Registered Migration Agents (Registered Number 0105779) located on the Sunshine Coast and Brisbane in Queensland, Australia. We specialise in complex and difficult applications.

The purpose of this visa is to allow current or former Australian permanent residents, or former Australian citizens to re-enter Australia after travelling overseas. This visa will allow you to maintain your status as an Australian permanent resident on your return to Australia.

You are advised to apply for this visa before you leave Australia.

Who is this visa for?

This visa is for you if the travel validity period of your permanent visa has expired or is about to expire.

What does this visa let me do?

This visa allows you to leave and enter Australia as often as you want, within the validity period of the visa, while maintaining your status as a permanent resident.

Family members

Family members travelling on your passport should be included on your application form.

Family members with separate passports must apply separately and pay a visa application charge.

Authority to Return or Return Endorsement

You do not need to obtain this visa if you hold the following documents in your passport:

- Authority to Return (ATR)
- Return Endorsement (RE)

These documents are still valid if:

- they have not been cancelled
- they have not been ceased by the grant of another visa since 1994
- you have returned to Australia within 3 years of each departure
- you have not become an Australian Citizen.

If you have Authority to Return or Return Endorsement documents in your passport it may cause difficulties boarding flights bound for Australia or delays entering Australia. If this is the case, you may need a BF111 visa label which is more compatible with the newer immigration and customs systems.

If you have Authority to Return or Return Endorsement you are eligible to receive a free electronic BF111 visa label.

BF111 visa labels

The BF111 visa label remains valid indefinitely provided you:

- return to Australia within three (3) years of each departure
- are not granted another substantive visa (other than an ETA or border visa)
- are not granted citizenship.

If you change your passport while you hold a BF111 you will need to advise the department to link the BF111 to your new passport. This will ensure you do not experience difficulties boarding flights bound for Australia or delays entering Australia

If you do not meet the requirements for a five (5) year Resident Return visa, your application will be assessed against the criteria for a three (3) month Resident Return visa.

Five year resident return visa

To be eligible for a five (5) year Resident Return visa you must be one of the following:

- an Australian permanent resident
- a former Australian permanent resident whose last permanent visa was not cancelled
- a former Australian Citizen who lost or renounced their citizenship.

You are not eligible for this visa if your most recent permanent visa was one of the following Business Skills visa and it has been cancelled, or is subject to a notice of intention to cancel:

- Business Owner visa (Subclasses 127 and 840)
- Senior Executive Visa (Subclasses 128 and 841)
- State/Territory Sponsored Business Owner Visa (Subclasses 129 and 842)
- State/Territory Sponsored Senior Executive Visa (Subclasses 130 and 843)
- Investment-Linked Visa (Subclasses 131 and 844)
- Business Talent Visa (Subclass 132).

You must also meet one of the following eligibility requirements.

- Eligibility Requirement Criteria

- Residence requirement: you must have spent two (2) of the last five (5) years in Australia as a permanent resident.
- Substantial ties and compelling reasons for absence You can provide evidence of substantial business, cultural, employment or personal ties of benefit to Australia,

And

If you have been absent for more than five (5) years, you are able to provide evidence of compelling reasons for your absence.

Three month resident return visa

To meet the eligibility requirement for a three (3) month Resident Return visa you must have:

- spent less than two (2) of the last five (5) years in Australia as a permanent resident
- had compelling and compassionate reasons for departing Australia and for any absence from Australia of more than three (3) months.

Australian Values Statement

If you are aged 18 years or over, you are required to sign an Australian values statement. The statement is included in your visa application form and all applicants aged 18 years and over will need to sign it to confirm that they will respect the Australian way of life and obey Australian laws. Before signing this statement you are required to have read, or had explained to you, material made available by the government on life in Australia which is contained in the Life in Australia book.