

CHANGES TO THE 5 YEAR RESIDENT RETURN VISA

Significant changes were recently introduced by the Federal Government to the Resident Return Visa (RRV) program.

From 15 February 2012, permanent residents who have failed to live in Australia for a total of 2 years within the last 5 years are no longer entitled to a 5 year RRV. In certain circumstances, they will be granted a 1 year RRV.

Details of the Changes

Prior to 15 February 2012, permanent residents could “extend” their residency visa for an additional 5 year period on satisfaction of one of the following:

1. 2 years accumulative residence in Australia within the last 5 years (“the residence requirement”); or
2. Substantial ties with and that are of benefit to Australia.

From 15 February 2012, permanent residents are still entitled to a further 5 year RRV where they have satisfied the 2 year residence requirement. However, where applicants do not meet the residence requirement and they are relying on substantial ties with Australia, they will only be entitled to a 1 year RRV.

Briefly, the following are recognised by the Department of Immigration and Citizenship as “substantial ties”:

- Personal – substantial family, financial or work ties to Australia and where the applicants regard Australia as their home or a place that they intend to permanently reside.
- Business – substantial ownership interest and participation in the senior day to day management and operations of a business that is ongoing with regular commercial activity.
- Employment – where the applicants are employed or have accepted a formal offer of employment in Australia.
- Cultural – intellectual, artistic, sporting or religious ties that enriches life in Australia, advances Australia’s profile overseas or elevates international goodwill and respect for Australia.

Prospective applicants should closely review their residence in Australia to determine their eligibility for a 5 year RRV. Where applicants do not meet the 2 year residence requirement, they need to ensure that their ties to Australia remain substantial and continuous to be eligible for a 1 year RRV.

It should be noted that permanent residency grants a visa holder the right to remain permanently in Australia. This right does not in actual fact expire and the time restriction of the RRV only relates to the travel facility attached to the visa. Therefore a permanent residence visa holder should ensure that they renew their RRV before travelling out of Australia and that their RRV does not expire while they are out of Australia.

For further advice regarding your eligibility for a RRV visa, please contact Anna Hsiao on 08 8217 1357 or Maria Ho on 08 8210 1274.

5年永久居民回程签证 (Resident Return Visa) 政策变动

最近，联邦政府针对永久居民回程签证（以下简称RRV）的政策做出了重大的变动。

从2012年2月15日起，在过去5年里未在澳洲住满两年的永久居民将无权得到5年的RRV，但在某种情况下可能会获得1年的RRV。

变动细节

在**2012年2月15日以前**，永久居民在满足以下任何一个条件以后可将永居签证额外‘续签’5年的时间。需满足的条件包括：

1. 在过去的5年里在澳洲累积居住两年（‘居住要求’）；或
2. 与澳洲有紧密的、并有利于澳洲的联系。

从**2012年2月15日起**，满足2年居住要求的永久居民依然有权得到额外5年的RRV。但是当申请者未能满足2年居住要求而须依赖与澳洲的联系来续签的话，则只能获发1年的RRV。

以下是澳洲移民局视为‘紧密联系’的简略概要：

- 个人联系 - 与澳洲有紧密的家庭、财政或工作联系，申请者把澳洲看做自己的家或打算永久居住的地方。
- 商业联系 - 拥有显著的生意所有权，并参与生意的高层管理，该生意须持续运营并经常进行商业活动。
- 雇用联系 - 申请者在澳洲受聘或已经接受在澳洲工作的正式邀请。
- 文化联系 - 能够丰富澳洲生活的知识、艺术、体育或宗教性的联系，或能提升澳洲在国际上的声誉的联系。

RRV的申请者需要仔细的审查其在澳洲的居住时间，以确保有资格申请5年RRV。如果申请者不能满足2年的居住要求，则需要确认其与澳洲一直都有紧密并持续的联系以满足1年RRV的要求。

请注意：持永久居留签证的人享有永远留在澳洲的权利，该权利不会过期，而RRV的时间限制实际上是针对签证上的出入境批准而已，所以永居签证持有者需要在离开澳洲前确认已经更新RRV，并确认RRV不会在其离境后过期。

如果您想得到关于您的RRV申请资格的更多意见，请联系肖安娜律师，联系电话08 8217 1357或联系何卓琳律师，联系电话08 8210 1274。