



RAILS INFORMATION SHEET

This information is not a substitute for legal advice. If you have questions about a specific case you should seek assistance from RAILS or another registered migration agent.

Information Current at 20 Oct 2005

FAMILY REUNION FOR REFUGEE AND HUMANITARIAN VISA HOLDERS (SUMMARY)

If you hold a permanent onshore protection visa (subclass 866) or an offshore refugee or humanitarian visa (subclasses 200, 201, 202, 203 or 204) you can propose a family member or friend for an offshore humanitarian visa. Temporary protection and humanitarian visa holders (subclasses 785, 447 and 451) cannot propose family members or friends. However, the person offshore can still apply for a humanitarian visa independently, without being proposed, or with a proposal from another Australian permanent resident, citizen or organization.

Proposal of Immediate Family

Applications by immediate family members of refugee and humanitarian visa holders are given priority.

Your **immediate family** are your spouse and dependent children and if you are a child under 18, your parents. Dependent children are children (natural, adopted or step children) under 18 or children 18 and over who are wholly or substantially reliant on you for financial or psychological support or incapacitated for work due to physical or mental disability and reliant on you.

Who Can Bring Immediate Family to Australia?

If you:

- Hold or have held a visa subclass 866, 200, 201, 202, 203, or 204 - (check the number that is written on your visa) **and**
- got your visa less than 5 years ago **and**
- told Immigration, before your visa was granted, about the member of your **immediate family**.

then you can propose your immediate family whether they are in their country of origin or outside of it, under the offshore humanitarian program. They must have been your immediate family at the time your visa was granted (or at the time of application for an 866 visa holder) as well as at the time of their visa application and the decision on their visa.

Form 424 Freedom of Information Request

If you are not sure whether you told DIMIA about your immediate family then you can ask for copies of your file with all the forms and information that you gave to the Australian Embassy or High Commission before you came to Australia. You can ask for this information by making a Form 424 Freedom of Information Request. Form 424 can be accessed from your local DIMIA office or from their website on www.immi.gov.au

Make copies of any relevant documents you receive through freedom of information and send them with your application form to prove you did tell DIMIA about your immediate family.

Proposal of Other Family Members and Friends

Your friends and your family members who are not your immediate family may still be able to obtain an offshore humanitarian visa, if they are at risk of suffering persecution or substantial discrimination in their home country. Provided you hold a permanent visa

Refugee and Immigration Legal Service Inc
1st floor, 170 Boundary Street. West End, Queensland 4101, Australia
PO Box 5143, West End 4101 • Telephone (61) (07) 3846 3189 • Fax (61) (07) 3844 3073
A FREE COMMUNITY LEGAL SERVICE

(including visa subclasses 866, 200, 201, 202, 203 or 204) you can still propose them and this will assist their application. However, these applications are given less priority than immediate family applications.

What do I Need to Do to Propose Family Members and Friends?

To propose immediate family members or other family members or friends for an offshore humanitarian visa, you will need to download two forms from DIMIA website at www.immi.gov.au, or obtain them by going to the nearest DIMIA office.

- **Refugee and Special Humanitarian Proposal (Form 681)**

This form must be completed and signed by the proposer. You must include a certified copy of a document evidencing your Australian permanent residence or citizenship.

- **Application for an Offshore Humanitarian Visa (Form 842)**

This form must be completed and signed by the main applicant, their spouse (if applicable) and any other people included in the application who are aged 18 or over. All applicants for offshore humanitarian visas must fill out this form, no matter which particular visa subclass(es) they are eligible for. DIMIA will assess the application and decide which particular subclass of offshore humanitarian visa is to be granted. Applicants should read the instructions on the form carefully and make sure they attach all the necessary supporting documents, including identity documents and four passport photos of each applicant (see the form 842 document checklist).

The main thing that has to be proved for immediate family applications is that the applicant is a member of your immediate family. However, details about any persecution or discrimination the applicant has faced or will face in their home country should still be included in answers to the questions about this in the Form 842. Other applicants who do not qualify as immediate family will have to show persecution or substantial discrimination amounting to a gross violation of human rights. All applicants must show that resettlement in Australia is the best option and that there are strong reasons for granting the visa. A connection with Australia will assist with this.

Even if your family or friends are assessed as being eligible for a humanitarian visa they will still have to pass the health and character requirements. Also, if they have spent seven or more days in a country where they could have “sought and obtained effective protection” they may only initially be granted a temporary visa. However, this is unlikely for close family members.

Lodging the Application Forms

You need to check with DIMIA where to send the forms. Generally, for applications where there is a proposer and the applicant(s) are in Africa or the Middle East, the application MUST be lodged in Australia, not the overseas Australian post. You should check the applicant’s specific country and the address for lodgement on the DIMIA website at www.immi.gov.au/refugee/migrating_refugee.htm or telephone DIMIA on 131 881.

Costs

There are no application fees for an offshore humanitarian visa. For those granted subclass 200, 201, 203 and 204 visas the government will pay for health and character checks. The government will normally pay travel costs for those visa holders if the visa holder does not have access to more than A\$10, 000 for one person or A\$20, 000 for a family. For those granted subclass 202 visas, they must pay their travel costs but the government will pay health processing costs.