

How COVID-19 affects Asylum Seekers and Refugees in Australia

My visa is expiring. What should I do?

Your visa expiry deadline still applies. You need to act on this urgently. Contact RAILS or a private migration agent for help.

What do I do if I have a biometrics appointment at DHA?

The Department of Home Affairs (DHA) have postponed some scheduled biometrics and contacted applicants later with new appointment details.

If you have recently lodged a Protection visa application and received an acknowledgment letter with a biometrics appointment, you need to keep monitoring your emails and mail to ensure you do not miss any further communications from DHA. If you have a scheduled biometrics appointment that you have not yet attended, you may wish to call DHA or email opnsw.admin@homeaffairs.gov.au to confirm the potential postponement of your biometrics appointment. If you receive no response, contact RAILS for advice.

What should I do if I have a Department interview scheduled?

If you have a scheduled interview, you should contact DHA to check if it is going ahead or whether it will be conducted over the telephone or postponed until further notice. If you are not comfortable with a telephone interview, you can request the interview be delayed until a face-to-face interview can be conducted. If you need help making this request, you can contact RAILS.

If you have not heard further information from DHA about whether your interview is cancelled, postponed or to be conducted by telephone, you should contact DHA by email or phone as soon as possible to explain this and ask for your interview to be rescheduled. If you need help with this, please contact RAILS.

I have been asked to provide a health check from Bupa

Bupa Medical Visa Services have put in safety measures and social distancing to avoid COVID-19. If you have been asked to undergo health checks visit Bupa's website and book online or call 1300 794 919.

Bupa have indicated that if you have made a booking for health checks but have symptoms of fever or a respiratory infection, or have been overseas or in contact with a known case of COVID-19 within the last 14 days, you shouldn't attend a health booking. Further details about who should not attend a health booking are available on the Bupa website at <https://www.bupa.com.au/bupamvs>.

If I have COVID-19, will it affect my application?

If you test positive to COVID-19, this should not affect the outcome of your Protection Visa application. You may be asked to make a Health Undertaking (<https://immi.homeaffairs.gov.au/form-listing/forms/815.pdf>) to be placed under the professional supervision of a health authority in a State or Territory to undergo any necessary treatment but your Protection visa application cannot be refused just for having contracted COVID-19 or any other illness. Testing and treatment for COVID-19 is free (<https://covid19.homeaffairs.gov.au/staying-australia>). If you have concerns about undergoing the medical examination and how it will affect your application, you can contact RAILS.

I have an AAT hearing, will it go ahead?

Administrative Appeals Tribunal hearings are being held by phone or videoconference unless in exceptional cases. Interpreters will take part by phone.

If you have a scheduled AAT hearing check your emails and junk mail often, and keep the AAT updated about your contact details.

AAT Registries are closed to visitors, except in exceptional circumstance. Registry services are provided by phone (1800 228 333), online (<http://www.aat.gov.au>) and by email (mrdivision@aat.gov.au). The AAT have set out special directions about how will operate during COVID-19 (see this link).

Can I still go to the Federal Circuit Court to lodge my Application?

During COVID-19 court registry services will be provided remotely by phone and online. In exceptional cases you might be able to file documents in person after phoning the Registry. Documents that are not able to be lodged online may be faxed or emailed to the Queensland registry (qldreg@fedcourt.gov.au),

Court hearings will be held by phone, by remote access technology or by the Judge making a decision just by looking at all the documents. The Court will try to contact you at least two weeks before your court date to talk about the arrangements. Call the court on (07) 3248 1100 or email qldreg@fedcourt.gov.au or contact RAILS for more information

Am I able to get an extension for providing documents to DHA, the IAA or the AAT?

Some deadlines can't be changed or extended. You should contact DHA, IAA or AAT to check. If you are unsure, you can call RAILS for advice.

I lodged my Protection Visa application and I still haven't heard anything from DHA

There may be delays sending correspondence, and it may take several weeks to issue a response.

Can I travel overseas? What impact would overseas travel have on my visa?

During COVID-19 restrictions all Australian citizens are banned from traveling overseas with very limited exceptions.

If you have a TPV or a SHEV and you leave Australia, you may not be able to return to Australia while there is a travel ban in place (see below). So if you leave Australia now, you might not be able to return. There is also much less chance you will be given permission to travel now.

Also, if you are waiting for a Protection visa decision and have a visa allowing you to travel such as a Student visa or a Bridging Visa B, you may also be stranded overseas if you leave Australia now.

I am overseas, will I be able to return to Australia on my Protection Visa?

If you are a permanent resident or a citizen, you should be able to return to Australia. You will have to go into 14 day quarantine in a place decided by government officials once you arrive in Australia. If you have problems coming back, you should contact DHA and the Australian Embassy, High Commission or Consulate.

If you are overseas on a Temporary Protection Visa (TPV) or Safe Haven Enterprise Visa (SHEV), as of 27 March 2020 DHA advised you "to immediately book a commercial flight to return as soon as possible". As a temporary protection visa holder, you are subject of an individual exemption approval by the Australian Border Force Commissioner to enter Australia. This means that there currently should not be any legal bar to you entering Australia while you hold your TPV/SHEV. It is not clear how long this exemption will last for. If you delay returning you may be stranded and barred from re-entering

I am overseas, and I have applied for a Protection Visa in Australia, will I be able to return to Australia to continue my application?

If you have applied for protection and are overseas while you hold a visa such as a Student Visa or Bridging Visa B, you'll be deemed a temporary resident and should apply for permission to re-enter Australia at: <https://immi.homeaffairs.gov.au/help-support/departmental-forms/online-forms/covid19-enquiry-form> You may or may not be given permission to return to Australia for "humanitarian or compassionate reasons." This is done on a case-by-case basis. If you need help with this, please contact RAILS.

Can other people [family, friends] travel from overseas to Australia?

The only people who can travel to Australia currently are those who are; a) an Australian citizen or permanent resident, b) a spouse, dependent child or legal guardian of an Australian citizen or permanent resident, c) transiting through Australia to certain specific countries, or d) given an Australian government exemption to travel for very specific reasons [in most cases, the only relevant reason may be what is described as “case-by-case exception for humanitarian or compassionate reasons”].

What access do asylum seekers/people on Bridging Visas have to Centrelink support services and other government financial supports announced in response to COVID-19?

People seeking asylum are not eligible for Centrelink but may be eligible for Status Resolution Support Service (SRSS) payments. Call RAILS on (07) 3846 9300 for advice.

What access do holders of permanent protection visas have to these supports?

Generally, you have the same as any other Australian permanent residents or citizens. Call RAILS on 07 3846 9300 for advice.

What access do holders of TPVs/SHEVs have to these supports?

SHEV and TPV holders may be entitled to Special Benefit Payments from Centrelink. See RAILS Fact Sheet on COVID-19 support and on Centrelink Support at www.rails.org.au/education/resources. Call RAILS on (07) 3846 9300 if you need more advice.

What access do people without Medicare have to free health services in response to COVID-19?

Queensland Health will not seek payment from people who do not have Medicare or adequate health insurance for assessment and treatment of COVID-19-related illness.

This may not cover payment for treatment of other illnesses.

Disclaimer: this fact sheet contains legal information, not legal advice. If you need specific immigration law advice, see a registered migration agent or lawyer.