

## Humanitarian visas: Afghan nationals

Any Australia citizen or permanent resident (and some NZ citizens) can propose an applicant overseas for a humanitarian visa.

The applicant must prove they will suffer harm in their home country, and that they fit within Australian government priorities and number of visas allocated.

It is important to get legal advice if you can, before lodging an application.

### How to apply for a humanitarian visa

You can apply to the Department of Home Affairs (DHA) on a Form 842 for a Class XB Refugee and Humanitarian visa. If there is a proposer then Form 681 is needed. The DHA then consider whether you fit the rules for either a subclass 200, 201, 202, 203 or 204 visa. These are a mix of in-country and outside country visas.

You can apply anywhere outside Australia, including from within Afghanistan. There are no application or medical check fees.

### Where to lodge

It is quickest to lodge online. This is the link:

<https://immi.homeaffairs.gov.au/help-support/departmental-forms/online-forms/special-humanitarian-visa-submission-form>

To lodge online you need

- Form 842 fully completed with Identification documents and passport photos of all applicants
- For the proposer, a Form 681 fully completed with proof of Australian citizenship or permanent residence (passport, ImmiCard, visa grant letter)
- Documents and signatures can be scanned and sent electronically. There is a file size limit on the attachments.

### Form 842 - Application

[Form 842 application](#) – applicant's family and refugee story. All applicants over 18 sign.

<https://immi.homeaffairs.gov.au/form-listing/forms/842.pdf>

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Form 842 asks for details of applicant's humanitarian claim, identity, nationality, family, travel, education, work and where they have lived in the past.

You must include a specific address. If the applicant is in danger and moving around or in hiding, then the last stable address could be provided, with an explanation.

Proving identity is critical. Attach copy of Taskera and passport (even if expired). If there are no ID documents you can still lodge, but explain why there's no documents.

Part G of the form is about what harm is feared in Afghanistan. It is the most important part. Explain in detail why this applicant is being, or will be, targeted. It needs to be specific details about the applicant and not just general details about the fear of the Taliban or other groups. Give details and evidence of work, activities or other reasons which put the applicant at a higher risk than others. Put in any documents that support this - things like work contracts, letters, photos, membership cards, medical reports etc.

### **Form 681 - Proposal**

**[Form 681 proposal](#)** – details of proposer in Australia. Proposer signs.

<https://immi.homeaffairs.gov.au/form-listing/forms/681.pdf>

### **All information MUST be truthful**

All information and documents given MUST be fully truthful and genuine. If you don't have a document then explain why you don't have it. If you don't know something just say so. Sometimes there are community rumours about what to put in or leave out. Don't follow these as DHA will find out. Put in the truth. Make sure the spelling of names and birthdates, residences are accurate on both Forms 681 and 842.

### **Check that Applicant and Proposer details match**

DHA carefully checks the applicant's details and their story against information it has on their files, and other sources, about the proposer's previous visa applications and sponsorships. Any differences, especially about identity or the refugee claim, can make the visa application fail AND may risk having the visas of the relatives in Australia refused or cancelled, or their citizenship refused. If there are differences, they need to be explained.

The proposer should check all their previous applications by completing a Freedom of Information request. If the proposer had a migration agent for any previous applications they should contact the agent and get copies of all their documents on their file.

### **Freedom of Information Request**

It is best for the proposer to check their previous DHA documents though completing a Freedom of Information request. The proposer can either:

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- Complete an [online request here https://www.homeaffairs.gov.au/access-and-accountability/freedom-of-information/access-to-information/how-to-make-a-request](https://www.homeaffairs.gov.au/access-and-accountability/freedom-of-information/access-to-information/how-to-make-a-request)
  - Complete a Form 424A (<https://immi.homeaffairs.gov.au/form-listing/forms/424a.pdf>) and email to [foi@homeaffairs.gov.au](mailto:foi@homeaffairs.gov.au) .

Give previous DHA file references and ask for "Documents the department has about previous visa and citizenship applications I made, sponsored or proposed, including but not limited to forms, letters and interview notes".

You can also add: "This is an urgent request regarding an Afghan Humanitarian visa application. The government has said these cases will have priority processing so I request you please action this urgently.

The proposer needs to include a copy of their driver's licence or other ID with the application. If possible, they should get signed permission from all those included in the visa and citizenship applications.

### **Who might get humanitarian visas?**

To get a visa the applicant must prove they are at very serious risk, have a strong connection to Australia and fit within the government's priorities and numbers of places.

The Australian government [announced on 18 August 2021](#) that an initial 3000 places were set aside for Afghans in the humanitarian program, and indicated that number would increase over the year.

The [Minister said](#) the places would "focus on: family members of Australians; persecuted minorities such as women and girls, children, the Hazara and other vulnerable groups".

The Minister's statement is very broad. All groups persecuted by the Taliban face danger. Who gets a visa for Australia will depend on which cases the government gives the highest priority to. The DHA in their [Afghanistan Update](#) after the US evacuations ended said that people who were employed by Australian government as interpreters or management and advisory staff (called Locally Engaged Employees - LEE) are considered high risk. If a person was a LEE and is now in Australia, their extended families in Afghanistan are also high priority.

Apart from the LEE's, the government has not said what other groups will have high priority. Human and women's rights activists, journalists and others who were publicly against the Taliban might also be high priorities for the government but we do not know for certain.

DHA will process according to their priorities. Not everyone who applies will get a visa. It is likely that there will be far more people applying than visa places available. It's very important not to raise the expectations that someone will get a visa. It all depends on the government priorities.

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Many people are advocating for a very large increase in the numbers of places above the 3000.

### How long will an application take?

The DHA in their [Afghanistan Update](#) stated that Afghan citizens will be prioritised for processing within the offshore Humanitarian program.

The DHA said processing times will vary based on applicant's "...location and their ability to travel, provide documents or access Australian government officials".

In some cases your local federal Member of Parliament may be able to help. Contact them through <https://electorate.aec.gov.au>

### Australian citizens, visa holders and visa applicants in Afghanistan

See RAILS fact sheet '[Afghanistan crisis: General visa information](#)'.

### Family migration

See RAILS fact sheet '[Afghanistan crisis: General visa information](#)'

### Frequently Asked Questions

RAILS will keep an updated list of 'Frequently Asked Questions' on its website and distribute it through agencies and community

### Getting Legal Help

The Department of Home Affairs [Afghanistan Update](#) states that if you are in Afghanistan, or you are an Afghan national, and need to enquire about a visa or citizenship application you can contact +61 2 6196 0196. This gives general help to navigate visa options on the DHA website and may possibly help individual cases.

Refugee and Immigration Legal Service (free legal help **for those in Queensland**)

Afghanistan referral form: [www.rails.org.au/our-legal-services/referral-forms](http://www.rails.org.au/our-legal-services/referral-forms)

[admin@rails.org.au](mailto:admin@rails.org.au). phone 07 3846 9300.

Private migration agents: see [www.mara.gov.au](http://www.mara.gov.au). Search for registered migration agents at this link <https://portal.mara.gov.au/search-the-register-of-migration-agents/>

Lawyers - Queensland Law Society: see [www.qls.com.au](http://www.qls.com.au). Search for a lawyer at <https://www.qls.com.au/Find-a-Solicitor/Search#>

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## Take good care.

People in Afghanistan face great danger from the Taliban and from other groups and should take great care. Family members in Australia also need to look after themselves as the trauma from the Taliban takeover is massive. People help each other in times of need, but there are also free services that give great assistance:

QPASTT: [www.qpastt.org.au](http://www.qpastt.org.au)

World Wellness Group: [www.worldwellnessgroup.org.au](http://www.worldwellnessgroup.org.au)

Lifeline (Australia): Phone 13 11 14.

The is legal information only, not legal advice. See a migration lawyer or registered migration agent for specific legal advice. Information may change rapidly. Visit <https://www.rails.org.au/education/legal-info> for the latest version of this form.