

Offshore humanitarian visas for Afghan nationals

Who can apply

A person overseas may apply for an Australian offshore humanitarian visa if they are at risk of persecution or serious violation of human rights in their home country.

They must also show there are compelling reasons to grant them a humanitarian visa based on the degree of harm, their connection to Australia, and whether they can safely seek protection in another country.

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

Applicants who are the members of the immediate family of an Australian citizen or permanent resident should seek legal advice as they may be entitled to apply for a humanitarian visa on the basis of their relationship.

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

Family members

All members of the family unit of the main applicant are included in the application and need only satisfy that they are a member of the family unit.

'Family unit' is defined as: a spouse or de facto partner of the family head; a dependent child of the family head or spouse or de facto partner of the family head; a dependent child of a dependent child; and a relative of the family head or of a spouse or de facto partner of the family head who does not have a spouse or de facto partner, is usually resident in the family head's household, and is dependent on the family head.

Legal advice

You should get legal advice before lodging an application. See ['Getting Legal Help'](#) below.

Other visa options

The chances of success for offshore humanitarian visas may be low in some cases. There may be other migration program options that could be available to an applicant such as under the family, skilled or community support program (See [RAILS Fact Sheet Visa Options to Australia](#))

Chances of success of offshore humanitarian visa

The number of Australian offshore humanitarian visas granted per year is decided by Australian government policy. There are far more applications than there are visas granted.

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

The Australian government [announced on 21 January 2022](#) it will provide 15,000 places for Afghan nationals, through the Humanitarian and Family Visa programs over four years. The 15,000 includes around: 10,000 offshore Humanitarian Program places with 5,000 in the 2021-22 program year, and around 5000 within the family visa program.

The government in the announcement said they will monitor numbers and have the right to increase that number in future years.

Within the 10,000 places under the Humanitarian Program, priority will be given to:

- former Locally Engaged Employees (LEE) and their immediate family members;
- subclass 449 holders (current and former) and their immediate family members;
- those with enduring links to Australia, such as Afghans who were employed by Australian non-government organisations or worked on Australian Government funded projects, and Coalition partner LEE and their immediate family; and
- women and girls, ethnic minorities, and sexually diverse (LGBTQI+) and other identified minority groups.

These priority groups are in addition to existing priorities in the offshore Humanitarian Program, which include immediate families who have been split, people with close ties to Australia and those with proposers residing in regional Australia.

Afghan nationals are also able to pursue other migration pathways to Australia depending on their circumstances, including through the Community Support Program, the Skilled Refugee Labour Agreement Pilot, the Family stream, and skilled visa categories. More information is provided below and at [Explore visa options](#).

How long will an application take?

The Minister for Immigration in his [announcement on 21 January 2022](#) said that Afghan citizens will be prioritised for processing within the Humanitarian and Family programs.

It is not possible to give a definite time period as it varies based on an applicant's location, ability to travel, provide documents and information.

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

Conditions if visa is granted

The applicants for an offshore humanitarian visa are granted permanent residency. They are entitled on arrival to social security payments and humanitarian settlement support if needed to assist with accommodation, learn English, gain employment and access education and training.

There are few conditions imposed on the grant of an offshore humanitarian visa. The holder can travel overseas. However, the holder should seek legal advice before returning to their home country as this may result in the cancellation of their visa.

Visa holders can be eligible to apply for Australian citizenship after they satisfy the residency (usually four years stay) and other requirements.

How to apply for a humanitarian visa

An applicant must apply to the Department of Home Affairs (DHA) on a Form 842 to the correct address.

If there is a proposer, a Form 681 is also needed.

DHA then considers whether the applicant fits the rules for either a subclass 200, 201, 202, 203 or 204 visa. These are a mix of in-country and outside country visas.

An applicant can apply anywhere outside Australia, including from within Afghanistan, where there are extra challenges (see below)

There are no application or medical check fees.

Where to lodge - if there is a proposer

It is quickest to lodge online but this is only available if an applicant has a proposer in Australia. This is the link:

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

To lodge online upload:

- Form 842 fully completed with Identification documents and passport photos of all applicants
- If there is a proposer, a Form 681 fully completed with proof of Australian citizenship or permanent residence of the proposer (passport, ImmiCard, visa grant letter), or incorporation and officer holders of organization
- Supporting evidence and documentation relating to the claimed fear of harm (e.g. employment contracts, media articles, CVs, etc)
- There is a file size limit on the attachments.

Where to lodge - if no proposer

If no proposer, the application must be printed and sent to the Australian Embassy in Jordan

To send by mail:

Australian Embassy
Department of Home Affairs
PO Box 35201
Amman 11180
Jordan

To send by courier:

Australian Embassy
Department of Home Affairs
41 Kayed Al Armouti Street
South Abdoun
Amman
Jordan

Further information, documents and signatures can be scanned and sent electronically to shp.enquiries@homeaffairs.gov.au

Form 842 - Application

[Form 842 application](#) – applicant's family and refugee story.

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

The Form 842 asks for details of the applicants' humanitarian claims, 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 a 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.

All applicants over 18 sign and applicants over 16 must also sign the biometrics consent.

Form 681 - Proposal

Form 681 proposal – details of proposer in Australia. Proposer signs.

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

Form 80 - Personal particulars

Form 80 Personal particulars- <https://immi.homeaffairs.gov.au/form-listing/forms/80.pdf>

A Form 80 should also be filled in for each person over 16 in the application. Lodging it at the same time with the Form 842 may help speed up the application.

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/proposers 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 (*see further below*). 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

As noted above, it is best for the proposer to check their previous DHA documents though completing a Freedom of Information request. The proposer can either:

- 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

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.

Biometrics

Humanitarian, family and 449 visa holders will need to have their biometrics collected before travelling to Australia.

Biometrics are a photo of your face with a digital camera and a scan of all fingertips with a digital finger scanner. There is a charge for this.

Applicants need to attend an Australian Visa Application Centre (AVAC) in person to provide their biometrics. There is no AVAC in Afghanistan so DHA say applicants should visit their nearest neighbouring collection location. Check DHA latest [biometric details here](#)

Details of [DHA Offices overseas](#) are here. You need to check with the office whether biometrics are available there.

Applying for a visa while in Afghanistan

The Australian government has no offices in Afghanistan and it remains an extremely dangerous place. There are significant challenges to lodging and processing of any visa application for people in Afghanistan.

You can apply online for most Australian visas through [ImmiAccount](#). And this is preferred by DHA. However for a humanitarian visa where there is no Australian proposer the application must be lodged by post to an Australia mission overseas (for Afghan applicants in Afghanistan and Pakistan it is to the Australian Embassy in Jordan.)

For information on how to apply for a refugee or humanitarian visa, see [Lodging an application – refugee and humanitarian visas](#).

For latest information about Afghan visa processing - DHA website [Afghanistan update](#).

Visa 449 holders outside of Australia

Some Subclass 449 holders still in Afghanistan or overseas will have their visas extended and be notified by DHA where possible, via email.

People on 449 visas who choose to leave or have left Afghanistan should contact their nearest [Australian Mission Offices outside Australia \(link\)](#) as soon as possible after their departure. There are serious risks in travel

All visa 449 holders will need to have their biometrics collected before travelling to Australia (see 'Biometrics' below)

Travel out of Afghanistan

The Australian government advises that travel throughout Afghanistan remains extremely dangerous and urges all people remaining in Afghanistan to prioritise their safety. People remaining in Afghanistan must carefully consider the risks should they attempt to leave.

Some land borders are closed to travellers seeking to cross from Afghanistan and some border crossing points that are open are at risk of terrorist attack. Border crossings may be closed by authorities without notice.

For the latest Australian Government advice, visit the [Smart Traveller website www.smarttraveller.gov.au](#).

Getting legal help

It is important to get legal advice from an experienced lawyer or migration agent before lodging a visa application.

Free legal help may be available from these specialist community refugee legal services if you fit their guidelines.

In Queensland -

Refugee and Immigration Legal Service (RAILS) (free legal help for those in Queensland or who have a proposer in Queensland)

Afghanistan referral form: www.rails.org.au/our-legal-services/referral-forms

admin@rails.org.au. phone 07 3846 9300.

Free legal help in all States

QLD: [RAILS](#)

SA: [RASSA](#)

NSW: [RACS](#). [IARC](#)

TAS: [TRSA](#)

VIC: [ASRC](#). [Refugee Legal](#)

WA: [Circle Green](#)

You can also enquire to DHA about the progress of a humanitarian visa application by emailing shp.enquiries@homeaffairs.gov.au

Private lawyers and Migration agents

Legal help for a fee on immigration matters is available from private migration agents and some lawyers:

See www.mara.gov.au. Search for registered migration agents at this link <https://portal.-mara.gov.au/search-the-register-of-migration-agents/>

See Law Societies in each state. The Queensland Law Society link is: www.qls.com.au. Search for a lawyer at <https://www.qls.com.au/Find-a-Solicitor/Search#>

If you have a problem with your lawyer or registered migration agent try to resolve it with them first. You can also get information from, or make a complaint to, the Law Society or the Migration Agents Registration Authority.

THIS IS LEGAL INFORMATION ONLY, NOT LEGAL ADVICE

LAWS ABOUT VISAS CHANGE OFTEN

See www.rails.org.au/education/Afghan-community-info
for latest version of this fact sheet.