



After lodging a Humanitarian Visa

Afghan applicants

This is general legal information only, not legal advice. See a lawyer or migration agent for advice about a specific case.

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After lodging a humanitarian visa application: Afghan cases

This is a Fact Sheet for proposers and applicants from Afghanistan who have already lodged an application for an offshore humanitarian visa with the Department of Home Affairs.

Was the application received by the Department?

If you correctly lodge an Offshore Humanitarian Visa application the Department of Home Affairs (the Department) will send a letter to say if the application is valid.

This can take some time. The Department is taking several months to send letters for many Afghan cases.

To lodge correctly the forms have to be filled in properly and sent to the right address. See '[Where the application should be sent](#)' below.

The Department will notify the applicant or their authorised recipient by email or by any other method that was listed in the application. Check your email in-box and junk mail regularly.

Where the application should have been sent

If an applicant has a proposer in Australia then the quickest way to lodge is 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 should have uploaded:

- 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 organisation
- 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.

If there is no proposer then an Afghan applicant must complete and sign Form 842 (no Form 681), print it out and send it to the Australian Embassy in Jordan.

[Note that for a non-Afghan application without a sponsor - applications may be lodged at an overseas Australian immigration office. Check the office nearest to where you are to see if they accept your humanitarian application See : <https://immi.homeaffairs.gov.au/help-support/contact-us/offices-and-locations/list#>]

Can further information be put in?

Further information, documents and signatures can be scanned and sent electronically to

shp.enquiries@homeaffairs.gov.au

See also '[Advising the Department of any changes](#)' below

Can you check the progress of the application?

The Department has huge numbers of offshore humanitarian applications and does not respond to questions about when the application will be decided.

The Department website says Afghan nationals can enquire about a visa application on phone +61 2 6196 0196. However this is the general line and may just give general advice. There is also the Department online '[Contact form for Afghanistan](#)' and email shp.enquiries@homeaffairs.gov.au but the Department will only generally only contact you if they have questions about the application.

However if you have new information then you need to tell the Department (see '[Advising DHA of changes](#)' below).

If you have an enquiry about a lodged Child, Adoption or Orphan relative visa , use the Department's online [Child and orphan relative processing centre enquiry form](#).

Did you check for consistency?

The Department carefully checks the applicant's details and story against any information they have about previous visa applications and sponsorships the proposer may have submitted.

Any differences, especially about identity or the refugee claim, can make the visa application fail. Any differences also risks having the proposer's visa refused or cancelled, or their citizenship refused because of false information.

If you are proposing a relative and are currently holding an Australian visa or are waiting on your Australian citizenship application to be finalised, you should do a Freedom of Information (FOI) request to ask the Department to give you copies of your visa/citizenship documents so that you can check for any differences - [see below](#).

If there are differences, they need to be explained. To do this the proposer needs to:

Gather all the previously lodged applications through 'FOI' (see below) if you don't already have full copies.

Compare all previous applications to all the documents (forms 843, 681 etc) in the current application.

Check names, dates of birth, previous addresses, education, jobs for all the family members in all the forms. It can be helpful to put them in a Table form.

If there are differences between the documents then write a statement saying why there are differences and what are the accurate details.

Check that the refugee stories in all the applications do not contradict. If there are some differences they need to be explained.

If incorrect information has been given to The Department then a Form 1023 'Notification of incorrect answers' may need to be put in.

It is **important to get legal advice** ([see below](#)) before sending in any information to the Department about differences in the documents.

Applying to get your documents - FOI

The proposer should check any previous information the Department has about them by completing a Form 424A 'Freedom of Information request'. This is very important for permanent residents who are not citizens yet, as any differences could risk having their visa cancelled or citizenship refused.

Apply for your documents either [online here](#) or by accessing the [paper form here](#) and emailing to foi@homeaffairs.gov.au

In Question 5 give your previous DHA file references (in the Online form put it where it asks 'Do you have the following identification numbers?')

In Question 11 ask for (in online form put it under 'Documents'):

"My [insert type of visa] application file made [insert month/year of application] including ISCE records and interview notes. [List in the same way other visa/ citizenship applications you have made]; Also my movement records and a screenshot of my client visa list"

In Question 13 you can 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". (In Online form - put this at the question: "Do you have a matter under consideration at or with any of the following ...?" and select 'Other urgent reasons')

The proposer needs to include a copy of their driver's licence or other ID with the application.

In Part D, If there is information about other people in the FOI documents that you are seeking then, if possible, get them to sign Question 19. If the information you seek is about children of yours who are under 18, then complete and sign Question 22 (in online form see 'Seeking documents of another person' and 'Access to documents for under 18s').

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.

If you do not receive your documents within 30 days

The Department should make a decision within 30 days of you submitting your FOI application, but will contact you if they require another 30 days.

If you do not receive your documents within 30 days (or any extra time allowed or agreed), you can ask the Information Commissioner to review the case. You apply for a review [online](#) or using this [form](#) and emailing foidr@oaic.gov.au or posting it to Director of FOI Dispute Resolution, GPO Box 5218, Sydney NSW 2001. It would be best to get some legal advice first if possible (see '[Getting Legal: help](#)' below)

Did you submit everything?

The application should have:

- Correct details about the applicant and all family members who are included.
- A physical address for the applicant, not a postal address. Full details of physical (not postal) address and phone if you have. Describe what it is near to if there's no exact street number or name. If moving around for safety put the last stable address and note that the applicant/s need to move for safety reasons.
- All identity documents.

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- A clear story about the refugee claims - what harm applicants fear in Afghanistan and why the applicant is at a higher risk of harm than others (for example, if the applicant is claiming to be persecuted because of their employment with the Australian government or an NGO, include information about their role, projects they worked on which might have put them at higher risk).
 - Any documents that show why the applicant will specifically be targeted (for example - Taskera listing identity or relationship status, letter showing they worked for Australian government or NGO, contractor card/ employment document). There is no need to include general information about the problems in the country as the Department already know this.
 - Two passport-sized photographs of each person in the application, with their name on the back.

Are all documents genuine?

Check documents were all given by the correct authorities with correct details and not altered by anyone without authority to do so.

Check that there is no incorrect or false information in the documents and no false information was given to get the documents. If the Department find any information is untrue or documents are not genuine then the application will likely be refused. If there is any wrong information then there needs to be a clear explanation about this. It is best to get legal advice before sending anything to the department about this ([see 'Getting Legal Help' below](#)).

Documents need to be in English or translated and certified by a Justice of the Peace or similar if possible.

Advising the Department of any changes

Applicants and family members of applicants and applicants can add new information about their application through the Department online '[Contact form for Afghanistan](#)' or via email to shp.enquiries@homeaffairs.gov.au with the name, date of birth and any reference number on the subject line.

You must inform the Department if your circumstances change after uploading the application. For example if an applicant becomes engaged, or marries, or has a child.

The Department will include a newly born child in the application if you give the child's details to the Department before a final decision is made on your application.

General Information on updating circumstances is available on the Department's website <https://immi.homeaffairs.gov.au/change-in-situation> but for Afghan cases the '[Contact form for Afghanistan](#)' is the best.

Department requests for further information

If the Department send you a request for further information then you can contact RAILS for legal help with this.

Phone 07 3846 9300 or submit an [online Afghan referral form](#)

How long for a decision?

The Minister for Immigration 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 for a decision as it varies based on an applicant's location, ability to travel, provide documents and information.

If the applicants are at serious risk of immediate danger or there is a long delay then you could ask your local federal Member of Parliament for help. In some cases they can find out information or get delayed cases prioritised. **Contact them through <https://electorate.aec.gov.au>**

What must be done before a visa grant?

Applicants should respond to any request from the Department for information after the application is lodged within the time the Department asks. You can get legal advice about this if you are not sure how to respond (see [Getting Legal Help](#)).

If you or the applicant's situation has changed, then you should tell the Department (see ['Advising the Department of 'changes'](#))

If The Department need to interview applicants you will be advised.

Before visas are granted, applicants need to get health checks and 'biometrics' done (digital scans of face and fingerprints) and then flights arranged. It may not be possible to do these in Afghanistan (see ['Medicals, Biometrics and Flights'](#) below).

What are the chances of success?

The number of Australian offshore humanitarian visas the Department grants each year is set by Australian government policy. There are always 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 29 March 2022](#) it will provide over the next four years 26,500 Afghan places under the humanitarian program and at least 5000 within the family visa program.

In 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 ongoing 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.

Do 'immediate family' have good chances?

'Immediate family' members of an Australian citizen or permanent resident have a strong chance of getting a humanitarian visa. 'Immediate family' means a spouse or de facto partner (including same-sex partner), dependent children, or your parent if you are a child in Australia under 18 years of age).

The permanent resident in Australia must have been granted a Refugee/Humanitarian visa in the last 5 years and have advised the Department before they got their visas of the immediate family relationship.

Immediate family members could also apply for visas under the family migration program rather than the humanitarian program. However, there are advantages to applying under the humanitarian program in that there are no application fees and humanitarian visa holders get settlement support and social security payments immediately on arrival.

Medicals, Biometrics and Flights

If the Department advise they want 'Biometrics' (digital scans of face and fingerprints), then applicants will need to attend an Australian Visa Application Centre (AVAC) in person to provide their biometrics. There is usually a charge for this.

There is currently no AVAC in Afghanistan and the Department website just refers to neighbouring collection locations. Details of [DHA Offices overseas are here](#). You would need to check with the office whether biometrics are available there. Check the Department's latest [biometric details here](#). **Any applicants considering moving though Afghanistan and trying to cross borders should be aware of the dangers and consider these risks very seriously.**

If health checks are requested by the Department, they will advise what tests are needed and will give you a reference called a HAP ID. Applicants must then arrange to be examined by one of the Department's approved panel doctors or clinics. See how to contact a panel physician by finding the [immigration office nearest to you](#).

For applicants still in Afghanistan there may be problems in getting medicals done. It is not known if and when this might change. There are dangers in moving though the country and trying to cross borders, and people must consider these risks very seriously.

If visas are granted the air flights will need to be arranged. Depending on the visa granted this may be done by the Department or in some cases a proposer may need to pay (see '[What must a proposer do](#)' below). The International Organisation for Migration (IOM) may assist with travel arrangements. For applicants still in Afghanistan there may be problems getting flights. It is not known if and when this might change. Again, there are dangers in moving though the country and trying to cross borders and people should consider these risks very seriously.

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 <https://www.smartraveller.gov.au>.

What must a proposer do if visa granted?

If a visa is granted the proposer must meet the visa holder at the airport, arrange initial accommodation and help them find permanent accommodation and access social services.

If the applicants are granted subclass 202 Global Special Humanitarian visas then the proposer has to pay for their airfares. No-interest loans may help with the travel costs and the International Organisation for Migration (IOM) may assist with travel arrangements.

Visa rules when in Australia

An offshore refugee/humanitarian visa is a permanent resident visa. On arrival, visa holders can get social security payments and humanitarian settlement support to assist with accommodation, learn English, gain employment and access education and training.

The holder of an offshore humanitarian visa is a permanent resident and can travel overseas, but before they become citizens they will need a visa to return to Australia. A humanitarian visa is usually for five years and after that a permanent resident will need to get a 'Resident Return Visa' if they want to travel overseas and return. Once they become citizens they will not need a visa to travel and return.

A non-citizen who has or has held a refugee/humanitarian visa should seek legal advice if they want to return to their home country, as this may result in the cancellation of their visa.

Before citizenship, any permanent resident can have their visa cancelled if they fail the 'character test'. For example, if they do serious criminal activity or if the Department finds out they gave false information or fake documents as part of their visa application.

Visa holders will be able to apply for Australian citizenship after they satisfy residency (usually after four years living in Australia) and other requirements. When deciding citizenship applications, the Department again carefully checks identity and character.

What if the application is refused?

There is no review or appeal to the Administrative Appeals Tribunal if the application is refused by the Department.

Another application might be successful if there is more and better information provided.

There may be other visa options that can be tried as well as humanitarian applications (see '[Other visa options](#)' below).

Other visa options

Humanitarian Community Support Program

The [Community Support Program](#) enables families, communities, businesses or individuals, to propose humanitarian visa applicants with employment prospects and give financial and practical support for settlement.

You must apply to an [Approved Proposer Organisation \(APO\)](#) in your State and pay large fees. The APO helps with the visa application, accommodation, and settling into the community.

Main applicant must: be aged 18-50; show they have 'functional' English; have an offer of employment or skills to be work-ready on arrival; and must be living in a 'resettlement priority country'.

Forms are the same as for a humanitarian visa application (except no Form 681).

Skilled Refugee Labour Agreement Pilot

The **Skilled Refugee Labour Agreement Pilot program** makes it easier for Australian employers to hire skilled people who have been displaced from their homes.

You first register your skills details with **Talent Beyond Boundaries (TBB)** at: <https://www.talentbeyondboundaries.org/talentscatalog/>

TBB receives information from employers about roles that need to be filled and identifies possible candidates from their Talent Catalog and facilitates recruitment. If you are successful in obtaining a job offer, then TBB will assist in the visa application process

Details are on the [DHA website -click here](#)

Other visa options

There are a range of other family and skilled permanent and temporary visas to Australia. These have strict rules and may be difficult or impossible for many refugees to get.

The Department of Home Affairs (DHA) has details of visa options on their website. [DHA Visa options online](#). See also [RAILS Fact Sheet Visa Options to Australia](#)

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) gives free legal help for those in Queensland or who have a proposer in Queensland. We may be able to help in these situations below:

If you wish to propose or have already proposed immediate family (spouse or dependent children, or your parents if you are under 18), a RAILS lawyer might be able to help you make the application or give you advice about an application you have already made.

If you wish to propose extended family (parents, siblings, uncles, aunts, nieces, nephews), RAILS lawyers run a volunteer program which might be able to help you prepare the application for **one application/ family** if they fit within one of the [priority groups published by the Department for Afghan visas](#).

If you have already made an application for an extended family member, this program might be able to give you advice if the Department has asked you to do something about the application but you don't understand or if you are worried that your own visa might be cancelled because of something you put in a humanitarian visa application.

Please fill out our Afghanistan referral form: www.rails.org.au/our-legal-services/referral-forms OR

Email admin@rails.org.au OR phone on 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](#)

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
SEE A LAWYER OR MIGRATION AGENT
FOR ADVICE ABOUT A SPECIFIC CASE**

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