



**RAILS**

Refugee and Immigration  
Legal Service

# Lodging a Humanitarian Visa application

## Afghan applicants

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

RAILS - Refugee and Immigration Legal Service  
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## How to apply

An applicant must apply to the Department of Home Affairs (DHA) on a Form 842 to the correct address (see '[Where to send the application](#)' below).

If there is a proposer, they must complete a Form 681.

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.

There are no application or medical check fees.

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## Who can apply?

Any person overseas may apply for an Australian offshore humanitarian visa if they are at risk of persecution or substantial discrimination or human rights abuses in their home country.

They must also show there are very strong 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.

Applicants who are the members of the 'immediate family' of an Australian citizen or permanent resident who were granted a refugee or humanitarian visa in the last five years may be able to apply for a humanitarian visa on the basis of their relationship.

There are other visas that refugees could apply for - see Community Support Program and Skilled Refugee Support programs below in 'Other Visa Options'

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

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## Who can propose?

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

If you hold a Temporary Protection Visa or Safe Haven Enterprise Visa, you cannot propose family for an offshore humanitarian visa. The relative overseas can still apply themselves or find another citizen or permanent resident to propose them and put your name down as a relative in Australia.

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## What forms?

The main form is [Form 842 application](#) which is the details of the applicant, their family and the refugee claims.

If there is a proposer, then a [Form 681 proposal](#) must be completed and signed by the proposer in Australia.

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## Who should go on the forms?

All members of the 'family unit' of the main applicant can be included in the application.

'Family unit' in migration law means: a spouse or partner of the family head, their dependent children, and any dependent children of those dependent children.

'Family unit' also includes a relative of the family head or their spouse or partner, who is usually resident in the family head's household, is dependent on the family head and does not have a spouse or partner.

A person is 'dependent' on another if they mainly rely on that person for financial support for their basic needs for food, clothing and shelter, psychological or physical support.

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## Answering the questions on the forms

See the [tables below](#) for details of the questions on Forms 681 and 842 and what is needed to answer them.

All information and documents given to DHA must be truthful and accurate. Any false information can lead to the application being refused and could lead to the proposer's visa in Australia being cancelled.

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## All documents must be 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

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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.

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## 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.

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## 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](mailto: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](mailto: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)

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## Make sure 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.
- 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.

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## How to complete the Forms

FORM 681 - QUESTIONS	
	Form 681 can be accessed online <a href="https://immi.homeaffairs.gov.au/form-listing/forms/681.pdf">https://immi.homeaffairs.gov.au/form-listing/forms/681.pdf</a>
Q 1	Include number of people you are proposing (i.e. applicant and two children = 3)
Q 2	Name of main applicant overseas - usually the person who is at risk of harm
Q 3	Any other names of applicant
Q 4	Citizenship of main applicant

## FORM 681 - QUESTIONS

Q 8	Country where applicant is now living in
Q 9	Date arrived in the country can be an estimate if not exactly
Q 11	Relationship of main applicant to proposer. Be very accurate. The closer the family relationship the stronger the application will be.
Q 12	Put full details of physical address. If moving around for safety, put the last stable address and note that need to move around for safety reasons.
Q 13	Details of family members of main applicant who are included in the application i.e. children under 18 or children over 18 or are dependent and a dependent relative who is single and usually lives with the family (see Form 842)
Q 14-23	Proposer's details. If you have the support of a designated community organisation tick 'No' and the organisation then fills out Part C.
Q 24	Tick "yes" if you agree to the Department communicating with you by email (it is quicker by email, but if the Department asks applicant to do something then the time will start from when the email is sent, rather than when the applicant receives it so make sure you check your email inbox and Junk folders regularly).
Q 25-26	You and your partner's occupation. If unemployed, you will have to show how you will be able to financially support the applicant when they first arrive in Australia if they get visas.
Q 27	All visas you've had. If you cannot remember, just list your current visa or citizenship.
Q 28-36	For organisation to complete if they are the proposer
Q 37	If you've proposed these applicants before, give details of previous humanitarian visa applications
Q 38 and signature	Acknowledge you are responsible for arranging and paying for the applicant's travel (if they are granted a Subclass 202 visa). Give permission for the Department to give your information to other agencies and service providers. Print your name, sign and date the application.



## FORM 842 - QUESTIONS

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

All answers must be truthful. If you don't know or are not sure, then note this on the form or on extra pages and give details why.

Make sure to spell names and put dates of birth accurately.

### PART A - PEOPLE INCLUDED IN APPLICATION

Q 1 Include number of people in the family unit that are included in the application, including the main applicant

Q 2 Details of main applicant's name, age, where you live, where you are now living and relationship status.

Q 3 Details of all other people in the application and their relationship to the main applicant. Add extra pages if needed.

Evidence Attach evidence of identity for each person in this application (eg. certified copies of birth certificates, marriage certificates, passport, national identity card etc). It is very important to prove identity and not put in any false documents. Clearly state where the documents come from.

### PART B - MANDATED OR REGISTERED BY UNHCR

Q 4 Put in details if applicant has a registration or mandate number from UNHCR (United Nations High Commissioner for Refugees). The applicant will have a mandate number when the UNHCR has had a detailed interview with them about their case and decided they are a refugee. Find out about [UNHCR help here](#)

### PART C - CONTACT DETAILS

Q 5 - 7 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 need to move around for safety reasons.

## FORM 842 - QUESTIONS

Q 8	Tick “yes” if you agree to the Department communicating with you by email (it is quicker by email, but if the Department asks the applicant to do something then the time will start from when the email is sent, rather than when the applicant receives it so make sure proposer also receives communications by selecting “Myself and proposer” in Q47 in Part M and check email and Junk folders regularly). If you have other email contacts put them in..
<b>PART D - FAMILY BACKGROUND</b>	
Q 9	Details if you or anyone else in the application have previously been legally married, in a de facto relationship or a customary/traditional/religious marriage? Include partners who you are divorced or separated from or who are missing or deceased.
Q 10	Do you or any other person included in this application have children from a previous marriage/relationship, including customary/traditional marriage?  If there are no proper custody documents, the former partner will have to give evidence that he/she consents to any children of that relationship entering Australia. The Department might ask for a Form 1229 to be signed by the former partner.
Q 11	Any children in the application who are not the biological children of either you (the main applicant) or your partner? Details of biological parents and where they are. Provide certified adoption papers or statement describing circumstances of adoption.
Q 12	Do you have a husband, wife, de facto partner or any dependants who normally live with you but are not included in the application? A dependant is a person who is dependent on you or your partner to a large extent for financial, psychological or physical support.
Q 13	Details of any person in the application physically separated from you (eg. missing or living somewhere else? ) Explain when, where and how you were separated.

## FORM 842 - QUESTIONS

Q 14 and 15	<p>Details of main applicant and their partners, parents, brothers, sisters and non-dependent children. Must include half, step and adopted relatives.</p> <p>If any relative is deceased or whereabouts unknown, write this in the 'Country where they are now living' column.</p>
<b>PART E - LINKS TO AUSTRALIA</b>	
Q 16	Has any person included in the application ever applied for an Australian visa (permanent or temporary) before?
Q 17	Do you or your partner have any relatives who are <u>not</u> included in the application who have current Australian visa applications under consideration?
Q 18	Proposer - Is any person in the application being proposed (on form 681 or form 1417) to Australia by a person or organisation in Australia? Must lodge Form 842 and 681 together.
Q 19	<p>Immediate family - Are any people in this application 'immediate family' of a person in Australia who, in the last 5 years, was granted a Refugee/Humanitarian visa?</p> <p>'Immediate family' means a spouse or de facto partner (including same-sex partner), dependent children, or parent (if your child in Australia is under 18 years of age).</p> <p>If this is an 'immediate family' application, and that person is living in Queensland, then RAILS might be able to help with the application. Please ask that person to call RAILS on (07) 3846 9300.</p>
Q 20	Do any people in the application have any other relatives residing in Australia? Having strong links to Australia helps the application.
Q 21	Do any people in the application have any other past or present links to Australia? Are there any friends, education, employment, business or other links? Give all details as strong links to Australia helps the application

## FORM 842 - QUESTIONS

### PART F - BACKGROUND INFORMATION

Q 22	Identity is very important - Give details of any travel documents (eg. passports) or identity documents held by all people in the application. You can put in expired documents but do not put in false documents - if you don't have any documents, just write down why.
Q 23	Has any person in the application applied to migrate to another country, or applied for refugee resettlement or asylum in any country?
Q 24	For <u>each</u> person in the application, list every address they have lived during the last 10 years

### PART G - HUMANITARIAN CLAIMS

Q 25 - 32	<p>Part G of the form is about what harm you fear in your home country. It is the most important part. The questions are:</p> <p>Q28 - Why do you fear living in or returning to the country? Q29 - If you have left the country you fear, how did you leave? Q30 - What do you believe may happen to you, or the people included in your application, if you were to return to or continue living in that country? Q31 - Who do you think may harm or mistreat you if you continue living in or go back to that country? Q 32 - Do you think the authorities of that country can and will protect you if you continue living in or return to that country?</p> <p>Explain why you fear living or returning to your home country. Explain in detail why you and your family are being, or will be, targeted. It needs to be specific details about the applicant's situation and not just general details about the fear of the Taliban or other groups.</p> <p>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.</p> <p>If you or your family are in another country but still are at risk of harm for some reason, put details of this risk also.</p>
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## FORM 842 - QUESTIONS

Q 33	Did you travel through, or stay, in any other countries before arriving in the country where you are now living?
Q 34	Attach copy of UNHCR 'Resettlement Registration Form' if the application been lodged because UNHCR has referred you to Australia for resettlement.
Q 35	Give details if anyone in the application has served in a military or paramilitary organisation.
Q 36	Details if anyone has lived in a refugee camp or detention centre.
Q 37	Details if you need an interpreter.
<b>PARTS H AND I - EMPLOYMENT, LANGUAGE AND EDUCATION</b>	
Q 38 40	The form asks for details of all applicants' jobs in last 15 years, their language, education and whether anyone has done health checks for an Australian visa in the past 12 months.
<b>PART J - HEALTH</b>	
Q 41	Give details if anyone in the application has done a health examination for an Australian visa in the last 12 months?
<b>PART K - CHARACTER</b>	
Q 42	<p>Give details for all applicants of any criminal, violence or visa charges or convictions or associations and any service in the police or military. You must be honest and answer each question accurately. If you answer yes to any of the questions, you then have to give details and any documents you may have, such as court records. Explain what happened and why you are still are a person of good character.</p> <p>If there are any domestic or family violence court orders or child protection orders against you then they must be declared. You don't have to declare any family violence order if the order is about protecting you.</p> <p>Police clearances will be required for every country in which applicants aged over 16 have spent 12 months or more over the last ten years.</p>

## FORM 842 - QUESTIONS

### Part L - ASSISTANCE WITH THE FORM

Q 43 - 46	If someone gave help and advice, such as a lawyer or migration agent put their details here. You don't have to put details if the person just gave help with the writing or translation.
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### Part M - COMMUNICATION

Q 47	<p>This tells the Department how you want them to communicate with you. If you are being proposed it's best to have the proposer as well as yourself receive communication.</p> <p>If you have a representative, then they should fill in a Form 956 and will receive communication. You must update the Department about any change of address.</p>
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### Part N - AUSTRALIAN VALUES STATEMENT

Q 48	All applicants must read, or have explained to them, the information provided about Australia's laws and promise to respect those values, try to learn English and pledge loyalty to Australia if you get citizenship
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### Part O - BIOMETRICS

Q 49	<p>Applicants over 16 must sign that they consent to provide their 'biometrics' to the Department and other government agencies and services.</p> <p>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. They need to be provided before travel to Australia.</p> <p>Applicants need to attend an Australian Visa Application Centre (AVAC) in person to provide their biometrics. There is no AVAC in Afghanistan so the DHA website says applicants should visit their nearest neighbouring collection location.</p> <p>Check DHA latest <a href="#">biometric details here</a></p> <p>Details of <a href="#">DHA Offices overseas are here</a>. You need to check with the office whether biometrics are available there.</p> <p><b>Note there are dangers in moving though Afghanistan and trying to cross borders. People have to consider these risks very seriously.</b></p>
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## FORM 842 - QUESTIONS

### Part P – DECLARATION

Q 50	<p>The main applicant and those over 18 must sign confirming that details in the form are true and they will inform the government of any changes in their circumstances before coming to Australia, and that the government can use their personal information.</p> <p>If there is a proposer, the proposer will need to sign a similar statement.</p>
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### Part Q - DOCUMENT CHECKLIST

Q 51	<p>This is a checklist to make sure all documents are included. If you don't have some documents explain why. Any extra pages of information must be marked with the question number and signed and dated by each person over 18 who is included in the application. All copies should be certified as true by a Justice of the Peace or someone of equal status.</p>
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## Where to send application - if there's a proposer

It is quickest and best 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:

- Complete proposer's details
- Upload proof of Australian citizenship or permanent residence of the proposer (passport, ImmiCard, visa grant letter), or incorporation and officer holders of organization (pdf file, *maximum 1MB named 'Proposer-eligibility'*)
- Complete main applicant's details

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- Upload passport photo of main applicant – *pdf, jpg or png file maximum 1MB, 300 or 600 DPI named '[main applicant's name]'*
  - Form 842 fully completed – pdf file, *maximum 2MB named "Form 842"*
  - Form 681 fully completed – pdf file, *maximum 2MB named "Form 681"*
  - passport photos of all secondary applicants, supporting evidence and documentation relating to the claimed fear of harm (e.g. employment contracts, media articles, CVs, etc) (see document checklist at Part Q of Form 842) – pdf files at 300 DPI maximum 2MB and total size limit of 10MB

If you are not able to lodge online, then you can send in the following ways:

To send by mail:

Special Humanitarian Processing  
Centre  
Department of Home Affairs  
GPO Box 9984  
SYDNEY NSW 2001

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## Where to send the application - if there's no proposer

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

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](mailto:shp.enquiries@homeaffairs.gov.au)

[Note 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#>]



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## Advise 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](mailto: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.

# Other visa options

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## 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.

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 same as for humanitarian visa applications (except no Form 681).

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## 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](#)

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## 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) (free legal help for those in Queensland or who have a proposer in Queensland).

If you wish to propose or have proposed immediate family (spouse or dependent children, or if you are under 18, your parents), 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, aunties, nieces, nephews), RAILS lawyers run a volunteer program which might help you prepare the application for one applicant/family if they fit within one of the [Afghan priority groups published by the Department](#).

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If you have already made an application for an extended family member, RAILS might be able to give you advice if the Department has requested something which you don't understand or if you are worried your own visa might be cancelled because of some information put in a humanitarian visa application.

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

Email [admin@rails.org.au](mailto: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](#)

You can also enquire to DHA about the progress of a humanitarian visa application by emailing [sh-p.enquiries@homeaffairs.gov.au](mailto:sh-p.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](http://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](http://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**

[www.rails.org.au/education](http://www.rails.org.au/education)