

Visa options for Ukraine nationals

The Refugee and Immigration Legal Service (RAILS) stands in solidarity with the people of Ukraine.

The Department of Home Affairs (DHA) website has a specific page of information for those affected by the Ukrainian crisis, www.homeaffairs.gov.au/help-and-support/ukraine-visa-support. Always check this for updated information. The information below is based on the DHA advice on their website.

Note that the government's offer of a Temporary Humanitarian Stay for Ukrainians on temporary visas in Australia has been extended until midnight on 31 July 2022. To accept an offer you fill in a webform - for more information see www.homeaffairs.gov.au/help-and-support/ukraine-visa-support.

Support for Ukrainian temporary visa holders in Australia

The Australian Government announced on 20 March 2022 that it will make available a subclass 786 Temporary Humanitarian Concern visa for all Ukrainian nationals who are in Australia on temporary visas, other than maritime crew visa holders.

The visa will allow people to work, study and access Medicare and appropriate associated support services and will be valid for three years. School-aged children will also be able to continue their education.

Note that the government's offer was announced to only apply until midnight on 31 July 2022. To accept an offer you fill in a webform. For more information about the webforms and whether that date will be extended see www.homeaffairs.gov.au/help-and-support/ukraine-visa-support

The Government stated it will work closely with the Ukrainian-Australian community to ensure appropriate permanent visa options are made available to this group at an appropriate time.

What is a subclass 786 temporary humanitarian visa?

In summary, a Class UQ Subclass 786 -Temporary (Humanitarian Concern) visa can be granted to people who are displaced from their residence and cannot reasonably return and who are in grave fear for their personal safety. You must pass health and character test, not be involved in any threatening behaviour, and must notify DHA before any change of address. There is no specific application form. An application is made when the government offers a visa in an interview and they note it is accepted. As part of the process a visa 449 is first granted.

The government will give further details about how they intend to process these visas in the future. RAILS will update our information when this happens .

Automatic visa extensions for Ukraine nationals in Australia

All Ukrainian nationals who were already in Australia on 23 February 2022, and who held a temporary visa ceasing before 30 June 2022, have been provided with an automatic 6-month extension to the stay period of their visa. Visa holders do not need to do anything to receive the extension.

Ukraine nationals outside Australia - Applying for a visa

There may be options for humanitarian as well as temporary or permanent family and skilled visas to Australia. It is wise to get legal advice on all the visa categories that you may be eligible for because some may be quicker to obtain than others.

DHA has details about visa options on their website at [DHA visa options online](#).

[RAILS has a Fact Sheet about "Visa options to Australia"](http://www.rails.org.au/education/legal-info) at www.rails.org.au/education/legal-info

DHA say on their '[Ukraine visa support](#)' webpage that applicants with a relative in Australia who choose to lodge an application for a Visitor visa, are not required to lodge an application under the Sponsored Family Visitor stream. Details of the Australian relative can instead be provided as part of a [Visitor visa application in the Tourist stream](#). Some of these visa applications can be processed very quickly.

Travel document

The DHA website says that Ukrainian nationals wishing to lodge applications to travel to Australia, need to hold either:

- a valid passport. (This may include: passports that have been extended by an Embassy or Consulate of Ukraine or the Ukraine State Migration Service with an inscription stating the extended validity date; and additional minors (under 16) inscribed in a parent/guardian's passport notated by an Embassy or Consulate of Ukraine or the Ukraine State Migration Service)
- a certified Certificate of Identity (Свідоцтво що засвідчує особу) issued by an Embassy or Consulate of Ukraine in a country neighbouring Ukraine, or
- an internal passport in the form of an ID-Card, that states in both Ukrainian and English the full name, date and place of birth.

DHA say if you are having difficulty lodging your application on-line, submit a [Ukraine online enquiry form](#) with a copy of your travel document. DHA will contact you and help.

DHA advise not to enter made-up passport details just so you can lodge online. They advise you contact them through a [online enquiry](#) if you have done this.

Note that giving false information to DHA can risk visa applications being refused or visas cancelled for applicants and sponsors.

If you can't get a valid travel document

DHA website states that Ukrainian nationals who do not hold a valid travel document should seek advice from the Ukraine State Migration Service or their nearest Ukraine Embassy or Consulate in a neighbouring country.

The Ukraine Government has advised that a Ukrainian Certificate of Identity can be issued by the Embassies and Consulates of Ukraine in states neighbouring Ukraine.

If you are unable to obtain a valid passport or a Ukrainian Certificate of Identity, you should provide details of efforts made to obtain these documents, along with all other available identity documents through a [online enquiry](#) .

Medical assessment

Visa applicants outside Ukraine should only make an appointment for an immigration medical assessment with a registered panel doctor if requested by DHA. A list of panel doctors outside Australia is available on the DHA website at [Offices outside Australia](#).

Travel Advice

For up-to-date Australian Government travel advice see [Ukraine Travel Advice & Safety | Smartraveller](#)

Seeking protection in neighbouring countries

Ukraine nationals may be able to seek protection in a neighbouring country. The European Union (EU) has agreed to offer temporary protection to people who are displaced from Ukraine. To keep updated monitor the European Union Agency for Asylum or seek assistance directly from the authorities in the country in which your relatives are sheltering.

Where to get legal help in Australia

QLD: RAILS	SA: RASSA
NSW: RACS . IARC	TAS: TRSA
VIC: ASRC . Refugee Legal	WA: Circle Green

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.

Take care

People in Ukraine face dangerous and devastating times ahead. Family and friends in Australia will also be suffering great trauma. People help each other in times of need, and there are also free services that give assistance:

Lifeline: Phone 13 11 14

Beyond Blue: Phone 1300 22 4636

Kids Helpline: Phone 1800 55 1800.

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> for updates of this form.