

VISA OPTIONS TO AUSTRALIA: OVERVIEW

This fact sheet gives a brief overview of some visa options to Australia under the permanent humanitarian, family and skilled visa programs, plus temporary visa option. It is important to get legal advice from an experienced lawyer or migration agent before lodging a visa application.

The Department of Home Affairs (DHA) has details of visa options and application processes on their website <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-finder>

Here are some possible visa options:

[Offshore Humanitarian Visas](#)

[Skilled Visa Program](#)

[Community Support Program](#)

[Temporary Visas](#)

[Skilled Refugee Labour Agreement](#)

[All information must be true](#)

[Onshore Protection Visas](#)

[Good character](#)

[Family Migration Program](#)

[Getting legal help](#)

HUMANITARIAN VISAS

Any Australia citizen or permanent resident (and some NZ citizens) can propose an applicant overseas for a permanent 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 before lodging any application.

How to apply for an offshore 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 in Australia then Form 681 is needed.

The applicant normally has to be outside Australia. There are no application or medical check fees.

The government has priorities as to which cases have the best chance. If you are a refugee and were split from your 'immediate family' (spouse, dependent children; or, if you are under 18, your parents) before you arrived, then your proposal may have a good chance. Get legal advice

Where to lodge

It is quickest to lodge online. However, lodging online is only available if an applicant has a proposer in Australia.

<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.

If there is no proposer, the application must be printed and sent to an Australian Embassy or Consular office overseas that processes these applications. Check with the Embassy.

Application Form 842

Form 842 application – applicant’s family and refugee story. All applicants over 18 sign.

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

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 identity documents 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. Explain in detail why the applicant is being, or will be, targeted. It needs to be specific details about the applicant and not just general details about the fear. 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.

Proposal Form 681

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

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

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; 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 (except no Form 681).

SKILLED REFUGEE LABOUR AGREEMENT

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/talentcatalog/>

TBB receives information from employers about roles that need to be filled and identifies potential 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](#)

ONSHORE PROTECTION VISAS

RAILS website has information about applying for a protection visa onshore www.rails.org.au/education/legal-info

A person who arrives in Australia and claims they fear returning to their country can apply for protection to the Department of Home Affairs (DHA).

You must show DHA you are a 'refugee' - that means that if you are returned to your country you will suffer serious harm because of your race, religion, nationality, political opinion or membership of a social group.

If you don't fit the refugee definition you will be assessed for 'Complementary' Protection – this is given if you show you will suffer serious human rights abuses against international law if returned to your country.

You must also prove there is no safe area in your country, that there is no other safe country in which you can live, and that you haven't done any serious crimes.

If you prove you are owed protection AND pass health, character and security checks you can get a:

- Permanent protection visa (PPV) if you had arrived in Australia with a valid visa and then asked for asylum.
- Temporary Protection Visa (TPV) or a Safe Haven Enterprise Visa (SHEV) if you arrived in Australia without a visa.

How to apply for an onshore protection visa

A person who arrives in Australia with a valid visa and then seeks asylum can apply to DHA for a permanent, protection visa on a Form 866.

Application forms should be lodged online <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/protection-866>. If online is not possible then can lodge a paper form 866 posted to Protection Visas, Department of Home Affairs, GPO Box 9984, Sydney, NSW 2001. The cost for an application is \$40 or, if you are in detention, there is no fee.

Asylum seekers who arrive in Australia without a visa and are permitted to lodge an application, must apply for a Temporary Protection Visa (TPV) or a Safe Haven Enterprise Visa (SHEV). Any new application is done on Form 866 online as in the paragraph above.

FAMILY MIGRATION PROGRAM

An Australian citizen or permanent resident, or an eligible NZ citizen, can sponsor certain family members for permanent visas listed below. The visas can be hard to get and some have very long waiting periods. The law is complex so sponsors and applicants should get advice from experienced migration agents/lawyers before applying.

- Partner
- Fiancée (Prospective partner)
- Dependent child
- Adopted child
- Orphan relative under 18
- Parent
- Contributory Parent
- Temporary Parent visa
- Remaining relative
- Aged dependent relative

SKILLED VISA PROGRAM

The Department of Home Affairs (DHA) has details of visa options on their website. [DHA visa options online https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-finder](https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-finder)

Skilled, business and employment visas are very difficult to get. The applicant usually must be under 45 with very good English and qualifications/work experience in jobs that are in high demand.

TEMPORARY VISAS

Temporary visas available in Australia include various visitor and tourist visas and other Temporary Residence Visas including Study, Training, Work, Skilled and Business visas. Some of these may lead to permanent visas.

RAILS has a [Temporary Visa overview online here](https://www.rails.org.au/education/legal-info) <https://www.rails.org.au/education/legal-info>

The Department of Home Affairs (DHA) has details of visa options on their website. [DHA visa options online](https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-finder) <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-finder>

ALL INFORMATION MUST BE TRUE

All information and documents given to DHA must be fully truthful and genuine.

A visa application may be refused if the applicant provides false information or if the Minister is not satisfied of an applicant's identity

If you don't have a document then explain why you don't have it. Make sure the spelling of names and birthdates, residences are accurate

Any differences, especially about identity and any claims being made, can make the visa application fail. It can also be a risk of visa refusal or cancellation of the sponsor in Australia if they are not a citizen. If there are differences, they need to be explained.

Any previous migration applications by the applicant and by the sponsor /proposer should be checked by completing a Freedom of Information request. If the sponsor had a migration agent or lawyer for any previous applications they should contact the agent and get copies of all their documents on their file.

GOOD CHARACTER

Applicants must give DHA, a police clearance certificate, or other evidence, to pass the character requirements.

If the applicant spent 12 months or more in any country in the last 10 years after turning 16, they may be asked to provide a police certificate from that country.

For immigration purposes a police certificate is usually valid for 12 months from the issue date.

Visa applicants must understand and agree to a list of 'Australian Values'.

DHA looks at various aspects of possible criminal, violent or fraudulent behaviour, including family and domestic violence which is treated very seriously by the government.

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 services if you fit their guidelines.

QLD: [RAILS](#) **Refugee and immigration Legal Service**

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

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

SA: [RASSA](#)

TAS: [TRSA](#)

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.

To apply for a visa

first get legal advice from a lawyer or migration agent

THIS IS LEGAL INFORMATION ONLY, NOT LEGAL ADVICE

LAWS ABOUT VISAS CHANGE OFTEN