

Australian visa options for Ukraine nationals

Here is some information about some visa options for Ukrainian nationals in Australia.

It is important to always get legal advice before lodging a visa application. If you do give information to the department it must be fully accurate - any missing, incomplete, false or incorrect details can risk a visa being refused or cancelled.

Subclass 786 temporary humanitarian visa

Subclass 786 temporary humanitarian visa for Ukrainian nationals

Following the Russian invasion of Ukraine in February 2022, the Australian government offered a subclass 786 Temporary Humanitarian Concern visa to Ukrainian nationals on temporary visas. The offer ended on 31 July 2022.

What is a subclass 786 temporary humanitarian visa?

A 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 deep fear for their personal safety. You must pass health and character checks, not be involved in any threatening behaviour, and must notify the Department before any change of address.

There is no specific application form for a 786 visa. An application is made when the web form offer is completed, and the Department notes the form is lodged. As part of the process a subclass 449 visa is first granted.

What can I do on a subclass 786 temporary humanitarian visa?

A subclass 786 visa is for three years. It allows work, study and access to Medicare, Special Benefits and full work rights. You may also get free English classes under the Adult Migrant English Program (AMEP).

The Department 786 visa grant letter gives details about how to get Medicare.

Ukrainian school students on the 786 visa can enrol in their local school and get the same government school funding as other Australian students.

Ukrainian nationals on 786 visas may be eligible to receive a subsidy towards childcare expenses (find details from [Services Australia](#)).

You can get settlement and job-finding support under the government Humanitarian Settlement Program (HSP) through [Multicultural Australia](#) if you are in Queensland.

See the Department of Home Affairs website [Information for Ukrainian nationals who accepted the offer of temporary humanitarian stay before 31 July 2022](#).

Can I depart and re-enter Australia on a 786 visa?

A 786 visa ceases if you leave Australia. If you want to return you must get another visa. However if you have asked the Department before you leave for permission to re-enter, and they have agreed, then you can return on the 786 visa.

These travel requests can be sent to ukraine.humanitarian@homeaffairs.gov.au (only deals with travel requests). You need a strong case to get permission.

Other visa options

Should I wait on my 786 visa?

The government has given safety to many Ukrainians through the 786 temporary humanitarian visa.

The 786 visa is for three years from the date it was granted, and it is not yet clear what will happen after that. The government is watching what happens with the war. It is likely that we will not know for some time what visa support the government will provide after the three years.

Living with uncertainty is difficult, but the Ukraine community is giving support in these hard times. Community leaders are encouraging people to be patient, stay strong and be grateful for the support, and to reach out to the community for help if needed.

Can I apply for another visa if I'm on a 786 visa?

There is a bar on 786 visa holders lodging further visa applications visas while in Australia.

However, the Department says ([see website](#)) that in exceptional cases it may lift the bar for Ukrainian 786 visa holders. They say 'exceptional cases' could include where getting a different visa:

- will contribute to the Australian economy or society, or
- will maintain family unity where Australian citizens are involved.

To request an application bar lift, contact the relevant visa processing area via the Department website at [Online forms](#) (search for the name of the visa you are wanting to apply for, or otherwise search for 'Enquiry form for Ukraine visa arrangements').

If a bar lift is granted you have seven days to apply for the visa.

If you have a 786 Visa you cannot apply for an onshore Protection visa - subclass 866

What are the visa pathways if I didn't get a 786 visa?

Some Ukrainian nationals were unable to accept the offer that ended on 31 July 2022 of a 786 temporary humanitarian stay visa.

For those without a 786 visa there may be pathways such as the skilled, family, student and visitor visa programs. See below.

If you have a 'no further stay' condition on your visa (8503, 8534, 8535 or 8540) you will need to do a ['No Further Stay waiver request'](#) to be able to apply for another visa.

Other visa pathways for Ukrainian nationals in Australia

If you arrived on a temporary visa and can't access normal visa pathways or cannot return to Ukraine, you can apply for a Bridging visa E (subclass 050) or a Protection visa

(subclass 866). Get legal advice. See the department's website - [Other pathways for Ukrainian nationals in Australia](#)

What if I am on a Bridging visa?

If you are on a 'Bridging Visa' then you may be able to apply for a permanent visa as long as you don't have a 'No further stay' visa condition on your visa (Condition 8503, 8534, 8535 or 8540). If you do then you may be able to make an online ['No Further Stay waiver request'](#) to be able to apply for another visa.

Some skilled visa options

Visa applications are complex, and the application fees can be expensive (see the [Department's table of fees online here](#)) You should get legal advice before lodging an application, or if you are choosing a job or study with a view to getting a visa.

There may be some skilled visas options for Ukrainian nationals who are qualified in occupations in demand in Australia.

For these visas, you usually need to have relevant qualifications and work experience, good English and be under age 45 especially for permanent resident related visas.

For some visas you have to be nominated by an employer, or be invited to apply by government, or be living in a regional area.

Some visas are temporary and can lead to permanent visas.

Below are some skilled-related visas with online links to the department website.

Skilled Migration Visas

These are processed via *Expressions of Interest* (EOI) and are points tested:

- [Skilled Independent visa \(subclass 189\)](#)
- [Skilled Nominated visa \(subclass 190\)](#)
- [Skilled Work Regional \(Provisional\) visa \(subclass 491\)](#)

Employer Sponsored Visas

You need an employer to sponsor you before you can apply – for the three top subclasses (186, 494 and 482) you must have an occupation on the relevant occupation list):

- [Employer Nomination Scheme \(ENS\) visa \(subclass 186\)](#) – need to have 3 years' experience in the nominated occupation.
- [Skilled Employer Sponsored Regional \(provisional\) visa \(subclass 494\)](#) – need to have 3 years' experience in the nominated occupation.
- [Temporary Skill Shortage \(TSS\) visa \(subclass 482\)](#) – this is a temporary visa but could in some circumstances be a pathway to permanent residence. You will normally require 2 years experience in the nominated occupation.
- [Training visa \(subclass 407\)](#) – this is an occupational training visa.
- [Temporary Training Activity Visa \(subclass 408\)](#) – this short term visa has several different streams that will require Australian support to be successful.

For Australian Qualified Graduates

- [Temporary Graduate visa \(subclass 485\)](#)

Processes to apply

To look at jobs and skills that might lead to visas applicable to you, look at:

- lists of occupations in demand and are applicable directly to you (see [skilled occupation list](#)) and
- information about [skills assessment](#) which may recognize your skills and experience from the relevant [skills assessing authority](#).
- Make sure you meet all the rules (criteria) and requirements for the applicable visa selected.

For skilled migration visas (see above visas 189, 190 and 491) you will need to lodge an Expression of Interest (EOI) via [SkillSelect](#) and have a [competitive points test](#).

For employer related sponsored visas, you will need an employer who will agree to sponsor you, and you have an occupation in an accepted list only for the subclass 186, 494 and 482 visas.

Be aware that the Skills Occupation List may change, but applications or nominations that have already been accepted and are awaiting decisions will not be affected if an occupation is taken off the skilled list.

An example: Permanent residence through working in Aged Care

As an example of a Skilled visa pathway, there is a [separate Fact Sheet \(LINK\)](#) outlining a pathway through work in Aged Care to a Permanent Employer Sponsored Visa (subclass 186) after two years on a Temporary Skill Shortage (TSS) Labour Agreement Stream (subclass 482) visa.

Skilled Refugee Labour Agreement

This program makes it easier for Australian employers to hire skilled people who have been displaced from their homes.

The displaced first registers their skills details with *Talent Beyond Boundaries* (TBB) [at this link](#)

TBB gets information from employers about roles that need to be filled and then identifies if there are any suitable people registered in their Talent Catalog. TBB then helps with recruitment.

If you are successful in obtaining a job offer from the employer then TBB will then assist in the visa application process Details are on the [DHA website -click here](#)

Some family visa options

Family visas - Partner

A person who is a married or de facto partner of an Australian permanent resident or citizen or eligible New Zealand citizen, can apply for a permanent visa. This includes same-sex relationships.

A person who gets a fiancée Visa 300 (prospective marriage) from offshore and then marries their Australian partner, can also apply for a partner visa.

It is very important that the relationship is genuine and is not done just to get a visa. The department looks very closely at applications in their integrity checks.

If the department believes the relationship is genuine, a temporary partner visa is usually first granted. Then, after at least two years, the department will consider again the genuineness of the relationship. If they believe a genuine relationship is still ongoing, then a permanent resident visa is granted if health and character checks are passed.

Family visa - Parents

A [Sponsored Parent \(Temporary\) visa, subclass 870](#) allows stay of 3 to 5 years with a maximum of 10 years total stay. You must be outside Australia (offshore) when you apply for this visa, unless you have Permission to Apply while in Australia. You can't work on this visa.

There is the offshore [Contributory Parent \(temporary\) sub-class 173](#) which leads to a [Contributory Parent visa \(sub-class 143\)](#) permanent visa; or you can apply directly for a [Contributory Parent visa \(sub-class 143\)](#) permanent visa.

There is also the onshore [Contributory Aged Parent \(Temporary\) visa \(subclass 884\)](#), which can lead to a permanent [Contributory Aged Parent visa \(subclass 864\)](#).

For parents of retirement age there is an [Aged Parent visa \(subclass 804\)](#).

There is also the [Parent subclass 103 visa](#). Both the subclass 804 and 103 visas have extremely long processing times.

All Parent visas, except for the first one listed ([Sponsored Parent \(Temporary\) visa, subclass 870](#)), are required to meet the [Balance of Family test](#) where at least half their children and stepchildren are in Australia, or where there are more children living in Australia than in any other single country.

There are currently very long waiting queues for all Parent visas - for contributory parent visas the wait may be up to 12 years, and for Parent (103 visa) and Aged Parent (804 visa) the wait times may be up to 30 years.

If you've had a baby

If a visa holder has a child you must tell the Department as soon as possible to sort out the child's visa status. Find more information at their website at You had a baby.

Visa applications are complex and you should get legal advice before any application is lodged.

Where to get legal help

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

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

Search for a lawyer through Law Societies in each state. The Queensland Law Society link is: www.qls.com.au. Search 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.

Free advice may be obtained from community legal services around Australia .

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

Information on Department of Home Affairs website

The Department of Home Affairs website has good information plus 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.

Take care

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

People in Ukraine face dangerous and devastating times. Family and friends in Australia are also suffering trauma.

People and organisations in the community help each other in times of need.

Ukrainian Community of Queensland Inc. www.ukrqld.com.au

There are also free support services that give assistance:

[Lifeline](#): 13 11 14. [Beyond Blue](#): 1300 22 4636 [Kids Helpline](#): 1800 55 180

This is legal information only, not legal advice.

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Thank you to the Ukrainian Community of Queensland Inc for assisting with this Fact Sheet

