



Humanitarian Visa Pathway for Palestinian Nationals

The Government has announced that Palestinian nationals who are in Australia on temporary visas such as visitor visas will soon be invited to access a new humanitarian visa pathway. This fact-sheet explains what the pathway is, and what it involves.

What is the humanitarian visa pathway?

There are two visas in the pathway. First, people will first be granted a Subclass 449 Humanitarian Stay (Temporary) Visa. Shortly afterwards, people will receive a Subclass 786 Temporary (Humanitarian Concern) visa which will last for three years.

These are special visas that are used to assist people who are unable to return to their home countries because of grave fears for their personal safety. They have also been used in recent years to assist people from other conflict areas.

You cannot apply for these visas in the usual way. Instead, the Department of Home Affairs issues an invitation, which you can then accept.

Visa requirements and costs

To be granted these visas, you will need to do a health examination. You will also be assessed to make sure that you pass character and security standards.

There are no visa application charges but there are costs associated with visa medicals, including a chest x-ray. If you cannot afford these, you may be able to get some of the cost paid by community organisations.

What you can do while you have these visas

While on either of these visas, you will be able to:

- Work
- Study (but for tertiary study, you will likely need to pay international student rates)
- Receive settlement support through the Humanitarian Settlement Program (HSP), the Settlement Engagement and Transition Support program (SETS), and the Adult Migrant English Program (AMEP)

When you are on a Subclass 786 visa, you will also have access to Medicare. You won't have Medicare for the time that you have a Subclass 449 visa. Home Affairs have said they will try to make sure that people only spend a very short amount of time on a Subclass 449 before their 786 is granted.

This factsheet is legal information, not legal advice. You should always get personalised legal advice before applying for a visa. Updated 10 October 2024

What about a protection visa?

Receiving an offer for this visa pathway affects your ability to apply for and be granted a Protection Visa.

If you have already lodged an application for a Subclass 866 Protection Visa and then receive an offer for this visa pathway, you will be unable to meet the Subclass 866 requirements.

If you receive an offer for this visa pathway, you will ordinarily not be able to, later apply for a Subclass 866 Protection Visa.

In either of these situations – if you have lodged a Subclass 866 or you want to lodge a Subclass 866, you should get individual legal advice about your options.

What about other visas like skilled or employment visas?

If you are granted a Subclass 449 visa, you will be unable to apply for these visas while in Australia. However, the Minister for Immigration has the power to intervene in your individual case to allow you to do that.

If you believe that you meet the requirements for a permanent skilled or employment visa now or in the future, you should speak to a lawyer who can assist you with that.

Where can I go for more information or legal advice?

You can contact RAILS for free legal advice and assistance.

RAILS can also help you to ask Home Affairs to prioritise making you an offer or granting your second visa after you have accepted an offer.



Level 3, 43 Peel Street South Brisbane (Monday-Friday, 9am -5pm)



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