

Protection Visas: The Application Process

Who can get protection?

A person who **arrives in Australia with a valid temporary visa** and fears returning to their country can apply for a protection visa (Subclass 866).

The government must give you protection if you can show the Department of Home Affairs 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** and there is **no area within your country** where you would be safe.

If you don't fit the refugee definition you will be assessed for Complementary Protection – this is given if you show you will suffer significant harm if returned to your country but the reason you are at risk doesn't fit into one of the five reasons of refugee protection. You must also prove 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 **character and security checks** you can get a permanent protection visa (Subclass 866).

People who arrive in Australia *without a valid temporary visa* and fear returning to their home country should [get legal advice](#). They cannot apply for a permanent protection visa.

What forms to use

Most people need to do an online application through an [Immi Account](#). If you cannot do this, you may be able to get special permission from Home Affairs to lodge a paper Form 866. You should not lodge a paper form unless you have permission.

The cost for an application is \$50 or, if you are in detention, there is no fee.

Applying

Applying for a protection visa is a significant step and if your application is refused, it can reduce your options to stay in Australia. You should [get advice](#) from an experienced lawyer or migration agent before you complete and lodge your application.

It is important that you provide detailed information about your reasons for needing protection. **If your application has insufficient evidence or details of your protection claims, Home Affairs may refuse your application.**

After your application is lodged

After your application is lodged, Home Affairs will send you an email that confirms that your application has been received.

You will then get an email about a **biometrics appointment**. You must go to this appointment at Home Affairs. Someone will take your photograph and your fingerprints. If you do not provide biometrics, your application will be invalid and cannot be granted.

Some weeks or months later, you may get another email asking you for more information about your protection claims. You may be invited to provide **more evidence about your claims in writing** and/or **to attend an interview** with a Home Affairs officer. Home Affairs is currently inviting applicants from certain countries to provide extra information very soon after their application is lodged, so it is important to be prepared when you lodge your application.

The Department Interview

If you are asked to an interview with a Home Affairs officer, they will ask many questions to check your identity, your credibility (whether you are telling the truth) and your refugee claims. They will have all the information you have given them before, even overseas visa applications if you've made any. They may also have information from other countries.

If you get any new information or evidence to support your claims, you can submit it to Home Affairs before the interview or any time before a decision is made.

What happens next?

After you have provided all the information Home Affairs needs to decide whether or not you qualify for protection, they need to complete health, character and security checks for you and others who are part of your application. This can take a very long time. If you applied online, you will be able to check the status of your application through your Immi Account, including any letters sent to you.

You will then receive a letter saying that your **visa has been granted or refused**. If it is refused, the letter will include the reasons the Home Affairs officer did not agree that you qualify for protection in Australia.

What if my application is refused?

You can apply for a review of Home Affairs' decision from the Administrative Review Tribunal (ART).

You must apply to the ART within 28 days of the date Home Affairs made this decision. This deadline cannot be extended so it is very important that you don't miss it. More information is available [here](#).

You should get [legal advice](#) about any refusal as soon as you receive it.