

Human Rights Law Program

Offshore Humanitarian Visas – Information for Australian proposers



If you are an eligible Australian proposer and are intending to lodge an application to support someone from Afghanistan (or a neighbouring country) to come to Australia, it is important to be aware of the obligations you are entering into as a proposer. Please read this fact sheet carefully and contact ASRC on the details below if you require further assistance.

This fact sheet should be read in conjunction with – *Offshore humanitarian visas – information for applicants*.

The Form 681 to propose a visa applicant for an offshore humanitarian visa can be found [here](#)
The Form 842 to apply for an offshore humanitarian visa can be found [here](#)

Who is eligible to propose a visa applicant for an offshore humanitarian visa?

If you are an **Australian permanent resident**, an **Australian citizen** or an **eligible New Zealand citizen** you may be able to support your family member's visa application by proposing their application for an Offshore Refugee or Humanitarian visa.

If you are the holder of a **Temporary Protection visa** or a **Safe Haven Enterprise visa**, you are **not** eligible to propose family on an offshore humanitarian visa. However, the visa applicant can still put your name down in the 842 form as a relative in Australia.

If you are not eligible to propose your relative to Australia because you are not an Australian permanent resident or Australian citizen, you can still assist your relative to complete the application themselves. You will be completing a **form 842** only.

The visa applicant can be inside Afghanistan or residing outside of Afghanistan when the application for an offshore humanitarian visa is lodged. However, if after lodgement the visa applicant moves to a different country, they must update the Department of Home Affairs as soon as possible.

Split-family provisions

Australian citizens or Australian permanent residents who hold or have held a Refugee and Humanitarian visa may be able to propose an immediate family member (i.e. spouse, de facto partner or dependent child or a parent if the proposer is under the age of 18) who is living outside Australia for an offshore Refugee or Humanitarian visa.

To be eligible for a visa under the Split-Family provisions:

- The proposer must have told the Department of Home Affairs about the family member before the date they were granted their own Refugee and Humanitarian visa; and
- The visa applicant was a member of the proposer's immediate family at the time the proposer was granted their visa and continues to be a member of the proposer's immediate family when the decision is made; and
- The application must be made within five years of the date of grant of the proposer's visa; and
- The proposer did not arrive in Australia by boat (as an unauthorised maritime arrival) on or after 13 August 2012.

Women who were granted a subclass 204 Woman at Risk visa are not eligible to propose their spouse or de facto partner within the five years of the date of their own visa grant if on the date the visa was granted to them:

- Their spouse or de facto partner was divorced or permanently separated from them; or
- The relationship was not declared to the Department of Home Affairs.

If you are currently holding a subclass 204 Woman at Risk visa you should obtain legal advice before proposing or sponsoring a partner.

Community Support Programme

The Community Support Programme is a stream within Australia's humanitarian programme which allows communities, businesses, families and individuals help someone in humanitarian need resettle in Australia. Under this programme the proposer will be a designated community organisation that is approved by the Department of Home Affairs. The list of "Approved Proposing Organisations" (APO) can be found on the Department's website here: <https://immi.homeaffairs.gov.au/what-we-do/refugee-and-humanitarian-program/community-support-program/approved-proposing-organisations>

If you are being proposed by a designated community organisation, the community assumes the cost of your resettlement including your travel costs to Australia. There is also a filing fee for any visa application lodged with the support of a community support programme.

Please note that you will need to check with individual APO's to see if they are currently accepting new expressions of interest for applications.

Important issues to be aware of before proposing a relative for an offshore humanitarian visa

Lodging an offshore humanitarian visa for a relative in Afghanistan (or a surrounding country) is not without risks. There are a few key issues you need to consider before you propose somebody for a humanitarian visa.

If you are currently holding an Australian visa or are awaiting the finalisation of your Australian citizenship application - you need to check any information your relative has or may have provided in the humanitarian visa application against what you said in your own visa and/or citizenship application. It is worth reviewing a copy of your own file if you have it or obtaining it from the Department of Home Affairs by way of a Freedom of Information application.

It is very important that you provide accurate information about your family members in Australia and overseas.

If there are any discrepancies in your application to propose a family member and your original Australian visa application, the Department may question your credibility and your own visa may be at risk of cancellation.

Your responsibilities as a proposer

As a proposer, it is your role to meet the visa holder at the airport and to pledge to assist them with finding accommodation and accessing relevant social services. You may also be expected to provide them with some level of financial support.

You must complete form 681 and provide evidence of your status as an Australian permanent resident, Australian citizen or eligible New Zealand citizen (for example, certified copy of passport, permanent visa or citizenship certificate). You must also provide evidence of how you are related to the visa applicant.

If the proposer is an organisation (but not an approved proposing organisation designated by the Department of Home Affairs as discussed above under "Community Support Programme"), they must complete details under Part C of form 681 and an individual from the proposing organisation complete Part D on the form on behalf of the organisation.

Approved Proposing organisations do not need to complete a 681 form. They instead need to complete a form 1417 in conjunction with the form 842 on behalf of the applicant/s.

Proposers are expected to provide visa applicants with assistance including:

- Payment of costs associated with the entrant’s travel to Australia;
- Meeting the entrant at their first point of arrival in Australia;
- Arranging initial accommodation;
- Assisting the entrant to find and establish permanent accommodation; and
- Providing information and orientation assistance.

By signing the 681 form, you are essentially agreeing to support the visa applicant with these costs. However, this is not a legal undertaking and it does not mean that you are taking on any personal debt incurred by the applicant. You also may be eligible for some assistance in meeting these obligations under the No Interest Travel Loan Scheme and the HSP program. ASRC cannot provide you with advice on these programs and you will need to contact the Department of Home affairs.

If you are proposing applicants who are granted a subclass 2020 (Global Special Humanitarian) visa you and the applicants are responsible for the applicants’ travel to Australia, including airfares. However, the International Organisation of Migration may be available to assist with travel arrangements and will seek the best flexible and refundable fare. IOM charges an administrative fee for this service. You can contact IOM here: <https://australia.iom.int/>

If you are proposing applicants under the “split family” provisions and any of the following subclasses are granted: Subclass 200; Subclass 201, Subclass 203 or Subclass 204, the Australian Government will arrange and pay for the applicants’ travel to Australia.

Guide to completing form 681 (if you are proposing your overseas relative)

This form is completed by the Australian citizen or Australian permanent resident proposer. Form **681** must be submitted with **form 842** when lodging the application.

Make sure that you use CAPITAL LETTERS for all names in the form so they are clearly legible.

For some visa subclasses in the offshore humanitarian stream, form 681 can be filed *after* the application is lodged so long as it is filed before a decision is made on the application. **However, ASRC advises you to both file both forms at the time of lodgement to ensure there are no issues with your application being accepted.**

The below table provides a guide to answering each question in the form:

Q1	Include number of people you are proposing (i.e. applicant and two children)
Q2	Provide name of applicant overseas
Q3	Provide any other names of applicant
Q4	Afghan
Q5	Indicate the sex you identify with
Q9	This can be an estimate
Q11	Important to complete this. Remember the closer the relationship, the stronger the application. I.e. husband/wife; parent/child etc.
Q12	Residential address of applicant
Q13	Include names of dependent family members of main applicant who are included in the application i.e. children under 18 or children over 18 or are substantially reliant upon applicant

Q14	Mark “yes” unless you have the support of a designated community organisation.
Q15	Put down your details as the Australian citizen/permanent resident proposer
Q16	Your details as proposer
Q17	Your details as proposer
Q18	Your details as proposer
Q19	Details of when you arrived in Australia if you were not born here
Q20	Indicate yes. If not an Australian citizen, permanent resident or eligible NZ citizen you do not need to complete this form.
Q21	Your residential address in Australia
Q22	Your postal address in Australia. Likely to be “as above”.
Q23	Your phone number
Q24	Tick “yes” if you agree to the Department communicating with you by email. Bear in mind it is likely to enable quicker communication if you use email.
Q25	Your current occupation. If not employed, leave blank and provide evidence as to how you will be able to financially support the applicant.
Q26	Your partner’s occupation
Q27	List your Australian visas including current Aus visa. If you cannot remember, just list your current visa or citizenship.
Part C Q 28-36	LEAVE BLANK unless you have a proposing organisation.
Q37	
Q38	Acknowledge you are responsible for arranging and paying for the travel of the applicants you have proposed if they are granted a Subclass 202 visa and that your information will be recorded. Sign the application and date it.

Supporting documentation and evidence

You will need to provide evidence that you are related to the person you are trying to propose to Australia. If the applicant has multiple family members in Australia, consider having the closest relative be the proposer for the application and if possible, where a proposer lives in a regional location. For example, parent/child; husband/wife etc.

Assist the applicant to write a statement about what they have been through in their home country and their current situation (please see ASRC factsheet: Offshore humanitarian visas – information for applicants).

Explain and provide evidence that you will be able to support them with housing, finances, accessing employment and settling into Australian life.

Provide letters from Australian community groups to support the application. You might want to consider approaching your local MP for support.

Notifying the Department of a change in circumstances

Under the Migration Act, visa applications are required to notify an officer in writing if there has been any change in their applications such that any answer in the application form would no longer be correct.

For example, if the applicant was unmarried at the time the application was made and later marries, the applicant is required to notify an officer in writing as soon as practicable.

For a person outside Australia who is granted a visa, the obligation to notify continues until the person is immigration cleared in Australia. If a visa holder fails to notify a change in their circumstances, there may be grounds for cancelling their visa.

Your family do not need passports in order to be granted offshore humanitarian visas. If the visas are granted the Department will issues them with Immicards that they can use for one-off travel to Australia.

Contact details for ASRC Afghanistan Legal Clinic

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