

## Offshore humanitarian visa – Information for prospective applicants using Form 842

The Australian Government has announced that it will allocate an initial 3,000 places in its humanitarian intake for the financial year 2021-2022 to Afghan nationals. ASRC has prepared this fact sheet to provide information and assistance to people in Australia who wish to lodge an application for their family members overseas. *The Form 842 to apply for an offshore humanitarian visa can be found [here](#)*

Some family members may be eligible to propose their family members' applications. This guide should be read in conjunction with *Offshore humanitarian visas – information for Australian proposers*. *The Form 681 to propose a visa applicant for an offshore humanitarian visa can be found [here](#)*

Unfortunately the process usually takes a long time and the number of places available is much smaller than the need, so it is important to be aware that the chances of success may be very limited. Please read this information sheet carefully and contact ASRC on the details below for further assistance.

This fact sheet does not address partner, fiancé, parent or child visas. If you are an Australian citizen or an Australian permanent resident, you may be eligible to sponsor your partner (whether married or de facto), fiancé, parent or child to Australia. If you believe that you are eligible to sponsor your family this way, we strongly encourage you to seek legal advice as this may be a more viable pathway for your family. ASRC does not assist with these types of visas but we can refer you to organisations that can assist. Please see below.

### What is the offshore humanitarian visa program?

The offshore humanitarian visa program comprises five visa subclasses:

- Subclass 200 Refugee visa;
- Subclass 201 In-country Special Humanitarian visa;
- Subclass 202 Global Special Humanitarian visa;
- Subclass 203 Emergency Rescue visa; and
- Subclass 204 Woman at Risk visa.

When you apply for an offshore humanitarian visa, you are considered against all of these visa subclasses. This means that you do not need to nominate which visa you are applying for in this scheme.

### Who is eligible to apply for an offshore humanitarian visa?

Applicants for an offshore humanitarian visa will generally need to show that they are subject to persecution or substantial discrimination amounting to a gross violation of human rights in their home country. There is an exception for some applications under the "Split Family Provisions" (see below).

The Department's policy states that **persecution** includes:

- Threat to life, liberty or security;
- Continued or periodic harassment, detention or arrest;
- Forced exile or relocation to a remote area;
- Arbitrary arrest or detention;
- Slavery, torture or cruel or inhuman treatment;
- Confiscation of property; or

- Forced indoctrination or re-education.

The policy further states that persecution requires repeated or persistent oppression, injury, maltreatment or harassment. In support of an application, where possible and relevant, the visa applicant should provide:

- Evidence of previous persecution;
- Evidence of having a high public profile;
- Evidence of having family members who have a political association;
- Evidence of acts or opinions which have been attributed to you by the authorities;
- Evidence which shows other people have also been persecuted or discriminated against for the same reasons.

**Substantial discrimination** includes:

- Arbitrary interference with your privacy, family, home or correspondence;
- Deprivation of all means of making a livelihood, being paid unreasonable wages or not being able to work at an appropriate job;
- Being forced to live in substandard dwellings;
- Being excluded from education;
- Being forced to give up social or civil activities;
- Being constantly watched or pressured to become an informer;
- Removal of citizenship rights; or
- Being denied a passport.

The Department will also assess the extent of your connection to Australia, whether there is any other suitable country available which can provide for your resettlement and the capacity of the Australian community to provide you with permanent settlement.

**Where you have family in Australia you should indicate this in the form even if your family are not eligible to sponsor you. The Department will assess your level of connection to Australia, including the support that your family could provide you to resettle here.**

### **Can your Australian family member support your application?**

If you are an **Australian permanent resident**, an **Australian citizen** or an **eligible New Zealand citizen** you may be able to support a visa applicant by proposing their application for an Offshore Refugee or Humanitarian visa. A proposer does not need to be a relative of the applicant. They can also be a friend or person in the community willing to be 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.

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 sponsor or 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.

### **Important issues to be aware of before lodging an offshore humanitarian visa**

Lodging an offshore humanitarian visa is not without risks. There are a few key things to be aware of when preparing your application:

***It is very important that you provide accurate information about your family members in Australia and overseas*** – this is particularly important if you have family in Australia who arrived on humanitarian or refugee visas themselves.

**If there are any discrepancies in your application for an offshore humanitarian visa and your Australian family member's original application, the Department may scrutinise your application more closely. It may also put those family members who have been granted an Australian visa at risk of cancellation.**

***Providing identity documents and evidence*** – it is very important to provide only accurate and genuine identity documentation including taskeras, passports and UN Convention travel documents. Do not attempt to procure documentation that you are not sure is genuine. Doing this will only jeopardise the application.

***You must only include applicants who are biologically related to you when completing the 842 form***

If you are the primary visa applicant, you can only include applicants who are biologically related to you as you will need to prove your relationship. Do not attempt to include applicants who are not your relatives as you may jeopardise the application.

The people you can include in your visa application are limited to the following:

- Your spouse or de facto partner;
- Your dependent child or the dependent child of your partner (whether or not biologically related to you);
- Your relative (or a relative of your spouse or de facto partner) if they do not have a spouse or de facto partner, are usually resident in your household or are dependent on you.

For offshore humanitarian visas being considered for a Subclass 202 visa, **relative** can be a spouse or de facto partner of the primary applicant, child, parent, sibling, grandparent, grandchild, aunt, uncle, niece, nephew (including step-relationships), first or second cousin.

For other offshore applications being considered for a subclass other than a subclass 200 visa, a relative can be any of the above other than a first or second cousin.

You will need to provide evidence of your familial relationship and a person's dependency upon you if you are the primary applicant.

**The rules around family composition in the migration scheme are complicated and if you are unsure, please seek legal advice.**

### **Processing times for humanitarian visas and chances of success**

It is important to note that even though this is a humanitarian crisis, these applications will still take many months (or possibly even years) to be processed. The Australian Government conducts rigorous health and security checks for each visa applicant before a visa is granted and this can delay processing.

There are a **very limited number of visas available** and only a small percentage of these applications may be successful. Even if you or your family are in a very dangerous situation, your application may still not be successful.

If your application is refused there are incredibly limited options for appeal. More often than not, the only thing to be done is to start again and lodge a new application.

### **HOW TO LODGE AN APPLICATION FOR AN OFFSHORE REFUGEE OR HUMANITARIAN VISA**

#### **Step One: Gather your documents**

You will need to complete a **Form 842** – Application for an Offshore Humanitarian visa and a proposer (where applicable) must complete **Form 681** – Refugee and Special Humanitarian proposal.

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

**If you believe you have an eligible proposer, please read our fact sheet – offshore humanitarian visas – information for Australian proposers for guidance on how to fill out form 681.**

If you (the visa applicant) **do not have a proposer**, the application (form 842 together with relevant attachments and evidence) **must be lodged outside Australia** at a diplomatic, consular or migration office maintained by, or on behalf of the Australian government.

In addition to completing form 842 the following should also be included with the application:

- 2 passport photos of each person included in the application with the name of the person written on the back;
- Certified copies of the your passport, taskera or other identity documents;
- A statement setting out clearly the basis for the belief that you and your family face a real risk of persecution or substantial discrimination in your home country – this should include details of incidents of past persecution or human rights abuses and the fears held for the future;
- Evidence of any links with Australia;
- Letters from individuals or organisations who can support your claims;
- Newspaper clippings which give details of incidents or events in which you were involved;
- Any objective evidence of your claim such as reports by international organisations (e.g. Amnesty International) about the treatment of people in the applicant's situation;
- Any medical evidence (including from mental health professionals) in support of your claims;
- Any documentary proof such as official documents (e.g. court orders, warrants), letters, photographs or emails which are relevant to your claim; and
- Evidence of registration within the UNHCR or any other recognised human rights organisation or refugee group, such as the International Red Cross.

### **Demonstrating that you or your family members are subject to persecution, discrimination or human rights abuses in Afghanistan**

You (the visa applicant) should draft a statement about your experiences in Afghanistan and what the current situation means for you and your family. This statement does not need to be long, but it does need to address the risk to *you* personally now or in the future.

**Please see attached statement template that you can use to draft your own statement**

If you are applying under the “**split family provisions**” (where the proposer holds a Subclass 200, 202, 203 or 204 visa), you are **not required to give details** of persecution, discrimination, human rights abuses or fears about returning to their home country. Where the form asks for this information, you can write “applying under split family provisions.”

**Particular circumstances in your case**

If you worked with the **Australian Defence Force** or other **government agencies**, please indicate this in your visa application and provide evidence. Your application may be accorded a higher priority by the government.

If you appear to have been involved in fighting as part of a conflict, for example as part of an army, police force or armed group, your application is more likely to be scrutinised by an assessing officer.

**Supporting documentation and evidence**

You will need to provide evidence of your identity as well as a statement about what you have been through in your home country and your current situation.

If you have any relatives in Australia, you should provide evidence about how you are related to them, even if they are not eligible to propose you. For example, taskeras, photos of your family together, copies of your Australian relatives’ visa grant notice etc.

Your Australian relative can also assist you to provide letters from Australian community groups to support the application. You might consider approaching your local MP for support.

**Step Two: Fill out Form 842 (and form 681 if you are an eligible Australian proposer)**

**Completing the 842 application form**

**Below is a step by step guide to answering each question in the 842 form**

This form should be completed by the visa applicant who is overseas (you can complete it for them but you must ensure that the applicant understands each answer and it is accurate)

Q1	Include number of people in application (i.e. woman and her two children)
Q2	Provide the details of the main visa applicant overseas – this will usually be the oldest person whom the other applicants are dependent upon.
Q3	Provide details of the other applicants – i.e. children, partner etc.
Q4 regarding UNHCR registration	Leave this question blank unless the client has been registered with UNCHR as a refugee.
Q5 and Q6	Include the visa applicant (i.e. the person overseas)’s street and postal address  You must answer this question as the application will be deemed invalid if you do not provide the applicant’s residential address.
Q7 and Q8	Include visa applicant’s phone number and email address.  Tick “yes” if you agree to the Dept communicating with you by email. Note this will ensure quicker communication with the Department.
Q 9 and 10	Leave this question blank
Q 11	If there are any children included in this application who are not biologically related to you please mark “yes”.  However, please note that proving that you have adopted a child is difficult and you should seek legal advice on this issue.

Q12	Include the names of any dependents who normally live with you but are not included in this application. I.e. someone who is wholly or substantially dependent upon you for financial, psychological or physical support.
Q13 – whether a person included in the application is missing/separated	Leave this question blank
Q14 - Relatives	Leave this question blank. Fill out details in separate attachment. See below.
Q15 – relatives of partner	Leave this question blank. Fill out details in separate attachment. See below.
Q16	If anyone in the application has applied for an Australian visa before, tick “yes” and provide details.
Q17	If you or your partner have any relatives not included in the visa application who have current Australian visa applications that are not yet decided, provide details.
Q18 – re proposal	If you are being proposed by an Australian relative in Australia who is completing a 681 form, please provide their details in this section.
Q19 – split family	If you are being proposed by an Australian relative who is your parent, child or partner and in the last five years was granted an offshore refugee or humanitarian visa, please provide their details. They will also need to complete a 681 form.
Q20 – other family in Australia	Leave this question blank. Fill out details in separate attachment if applicable.
Q21 – Links to Australia.	Tick ‘other’ and put “see statement”.
Q22 – Travel and identity documents	Put details of identity documents of each applicant in this section. For example, passport, taskera, UN Convention travel document etc.  Only provide details of genuine identity documents. It does not matter if these documents are expired, it is still good evidence of identity.
Q23	If any applicant has applied to migrate in another country previously, please provide details.
Q24 – Past travel/addresses	As best as you are able to, record your address history for the last ten years as well as the address history for the last ten years of each applicant.
Q25	Provide details of the ethnic group, religion and political affiliations (if any) of each applicant.
Q26	Write “Afghanistan”
Q27	Have you left Afghanistan? Indicate yes or no. If yes, please estimate the date you left.
Q28 – fears	Write “see attached statement”
Q29 – how you left the country	Write “see attached statement” or leave blank.
Q30 – what will happen to you	Write “see attached statement”
Q31 – who will harm you	Write “see attached statement”
Q32 – protection available?	Write “see attached statement”
Q33	Write “see attached statement” or leave blank
Q34	If you have been referred to Australia for resettlement by UNHCR, tick yes. However, if you are unsure, it is unlikely that you have been and you can leave the question blank.
Q35	If any person has served in a military or paramilitary organisation, please provide details.
Q36	If any person has lived in a refugee camp, accommodation for refugees or detention centre, provide details.
Q37	If interviewed, please put in your language, e.g. Dari

Q38	For each applicant, list all the jobs they have had in the last 15 years as best as you are able to including periods of unemployment.
Q39 - language	Put in your language e.g. dari
Q40 - education	Provide details of education undertaken by each applicant.
Q41 – health exam	If you have completed a health examination for an Australian visa in the last 12 months, provide details. If you are unsure, it is unlikely you have done this. Leave blank.
Q42 – character questions	<b>Answer these questions carefully and honestly. If you are unsure, please seek legal advice.</b>
Q43 – assistance	If you received assistance completing this form, please provide the details of the person you assisted you.
Q44 – migration agent	If the person who assisted you was a migration agent, please indicate.
Q45	If the person who assisted you is in Australia, please indicate.
Q46	If you paid the person, please indicate.
Q47	Please indicate who should receive correspondence, noting that they will need to regularly check their email. If you are an authorised recipient on behalf of the visa applicant you will need to complete a form 956A Appointment or withdrawal of an authorised recipient.  IF you are the proposer and have completed a 681 form, you do not need to complete a form 956A.  A migration agent or other exempt person (e.g. a lawyer) will completed a form 956.
Q48	This is an acknowledgement of Australian values. Please read it and then sign and date the form. Any applicant under 18 is not legally able to sign the form and the primary applicant should sign on their behalf and write “Mother/Father signing on behalf of NAME”.
Q49	This is a declaration and consent to providing your fingerprints and facial image. The main applicant should sign and date it and each person 16 or over should also sign.

### **Step Three: Lodge the application**

**There is no fee to make an application.**

Where an applicant’s entry to Australia has been proposed in accordance with **form 681** or **form 1417** (Community Support Programme) the application must be sent to:

a) By post to:

Special Humanitarian Processing Centre  
Department of Home Affairs  
GPO Box 9984  
Sydney NSW 2001; or

b) By courier to:

Special Humanitarian Processing Centre  
Department of Home Affairs  
Level 3  
26 Lee Street  
Sydney NSW 2001; or

c) By email via the online lodgement portal at:

<https://www.homeaffairs.gov.au/humvisaapplication>

If you (the visa applicant) do not have a proposer the application (form 842 along with the relevant attachments or evidence) must be lodged by courier outside Australia at a diplomatic, consular or migration office maintained by, or on behalf of, the Australian government. The best place to lodge your application is with the visa processing centre in Jordan.

**Australian Embassy  
PO Box 35201  
Amman 11180 Jordan**

If you and your family are residing in a country that has an Australian Embassy functioning, they can lodge the application there. If your family are residing in Afghanistan, please contact us on the details below and we can provide you with advice about how to lodge the application.

#### **Step 4: After Lodgement**

Offshore humanitarian applications take a long time to be processed. Even though the Government is trying to expedite applications for Afghan nationals in response to the current humanitarian crisis, the application may take many months to be decided. If you or your family member are in danger, they should not rely upon being granted an Australian visa in order to be safe.

All visa applicants must meet health and character checks before being granted a visa. For offshore humanitarian visas, even non-migrating family members must meet health and character checks. You should answer the questions about character honestly when completing the visa application form.

#### **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.

You and your family do not need passports in order to be granted offshore humanitarian visas. If the visas are granted the Department will issue you with Immicards that permit one-way travel to Australia.

#### **Contact details for ASRC Afghanistan Clinic**

**Phone:** +61 (03) 9252 2534

**Email:** [afghanistantriage@asrc.org.au](mailto:afghanistantriage@asrc.org.au)



## TEMPLATE STATEMENT TO ACCOMPANY 842 APPLICATION

### Statement of NAME

1. I, NAME, OCCUPATION, of ADDRESS, provide the following statement in support of an Offshore Humanitarian Visa (subclass 200/201/202/203/204) application:
2. The following is a summary of my/my family's claims for protection. It is not an exhaustive statement of the reasons why I/we cannot live in / return to my/our country of origin. I/we am/are willing to provide further information at an interview if requested.

### Background

3. I am a citizen of COUNTRY. I do not have a right to citizenship or a right to reside in any other country
4. I am ETHNICITY and a RELIGION
5. I was born on DATE, YEAR *(if date of birth unknown provide a brief explanation why)*
6. Immediate family composition
7. Current location
8. I have provided the following to prove my nationality/citizenship/identity:
  - LIST
9. *If relevant state the reasons why an applicant may not be able to provide identity document, passport,*
10. *If relevant provide reasons for being known by any other names / use of different names on documents*

### Qu. 28 Why I fear living in / or returning to COUNTRY *(paying special attention to what happened to the applicant, not the general situation in that country.)*

11. Refer to s5(J)(1)(a) reasons for their well-founded fear of coming to serious harm because of:
  - i. Race/Ethnicity
  - ii. Religion
  - iii. Actual or imputed political opinion
  - iv. Membership of a particular social group

### Qu. 30 What I believe may happen to me, and/or the people included in the application, if I/we were to return to or continue living in that country? *(Provide full details of what you think may happen to you and reasons why that would happen.)*

12. Include examples of harm including any of the following eg.
  - A threat to or loss of liberty or life
  - Significant physical harassment, ill treatment
  - Significant economic hardship that threatens the capacity to subsist
  - Denial of access to basic services that threatens capacity to subsist
  - Denial of capacity to earn a livelihood of any kind that threatens the capacity to subsist
  - Substantial discrimination amounting to a denial of fundamental human rights
  - Sexual and gender-based violence
  - Arrest and imprisonment
  - Torture
  - Enforced disappearance
  - Cruel, inhumane treatment or punishment
  - Degrading treatment or punishment

### Qu. 31 Who will harm or mistreat me/us if I/we continue living in or go back to that country?

- 13.

### Qu. 32 Why the authorities of COUNTRY cannot and will not protect me/us if I/we continue living in or return to all parts of COUNTRY?

- 14.

For the above reasons, I/we respectfully request the Australian Government provides myself and or my family with a subclass 200/201/202/203/204 protection visa to allow me/us to safely reside in Australia.

Main Applicant Signature .....

Name:

Date:

Statement witnessed by:

Signature: .....

Solicitor/ Registered Migration Agent

Name:

MARN:

Date:

I provided the following with the assistance of NAME (my relative (brother, sister etc) / interpreter TIS: / myself as I am proficient in English