

# Applying for an Offshore Humanitarian Visa

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### Who is this Infosheet for?

This Infosheet provides a brief overview of the process for applying for an Offshore Humanitarian Visa for those not living in Australia. It does not apply to people who arrived in Australia by boat and were transferred to offshore immigration detention in Nauru or Papua New Guinea.

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### IMPORTANT

- **If you are outside Australia and want to live in Australia because you face persecution or substantial discrimination in your home country, you must complete and lodge Form 842 – Application for an Offshore Humanitarian visa. If you have a proposer, they must complete Form 681. Do not attempt to submit any information or documents that are not genuine.**
- **The ASRC cannot help you with your Offshore Humanitarian Visa application as we are only able to assist people who are currently in Australia or offshore immigration detention. You may be able to seek legal advice from other lawyers or migration agents in Australia.**
- **If you need assistance as a refugee or displaced person, the United Nations High Commissioner for Refugees (UNHCR) may be able to assist you. You can find your local UNHCR office at this link:**  
[https://www.unhcr.org/en-au/where-we-work.html#\\_ga=2.189006563.954350859.1603074388-1123791310.1603074388](https://www.unhcr.org/en-au/where-we-work.html#_ga=2.189006563.954350859.1603074388-1123791310.1603074388)

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### What types of visas can I apply for?

If you are overseas and seeking protection, there are **5 main types** of visas you may be eligible to apply for. These 5 visas fall under the Refugee and Humanitarian (Class XB) visa class. Each visa has its own eligibility requirements. **You may only apply for these visas if you are outside Australia.**

- **Refugee (subclass 200):** to be eligible for this subclass of visa, you must be living outside your home country, be facing persecution in your home country, and be in need of resettlement. The Australian Department of Home Affairs (DHA) considers the advice of UNHCR to decide to whom to grant this type of visa.
- **In-country Special Humanitarian (subclass 201):** to be eligible for this subclass of visa, you must be living in your home country, and be facing persecution in your home country. Only a small number of these visas are granted.
- **Global Special Humanitarian (subclass 202):** to be eligible for this subclass of visa, you must be living outside your home country, be facing substantial discrimination in your home country,

and have completed a valid Form 681 – Refugee and Special Humanitarian Proposal with your application. Form 861 needs to be completed by an Australian citizen or permanent resident or community organisation, or an eligible New Zealand citizen.

- **Emergency Rescue (subclass 203):** to be eligible for this subclass of visa, you must be facing persecution in your home country, and there must be urgent reasons for you to be resettled in Australia. Requests for this type of visa are most often made through UNHCR.
- **Woman at Risk (subclass 204):** to be eligible for this subclass of visa, you must be a person identifying as a woman living outside your home country, be facing persecution in your home country, not have the protection of a male relative, and be in danger of victimisation, abuse or harassment because you are a woman. Requests for this type of visa are most often made through the UNHCR.

### What is the UNHCR and how can they help me?

The United Nations High Commissioner for Refugees (UNHCR), otherwise known as the UN Refugee Agency, is a global organisation helping to protect the lives and rights of refugees and asylum seekers, and coordinating with different countries to help resettle those who have fled their home country.

**If you are outside Australia, the UNHCR may be able to assist you.** To contact your local UNHCR office, visit this link: <https://www.unhcr.org/en-au/where-we-work.html#ga=2.189006563.954350859.1603074388-1123791310.1603074388>.

### How can I apply for an Offshore Humanitarian Visa?

The DHA, as a branch of the Australian Government, determines whether people claiming asylum are refugees, and decides which visas to grant to people who apply for asylum.

To apply for an Offshore Humanitarian Visa, you must **complete and lodge Form 842 – Application for an Offshore Humanitarian visa**. This Form 842 is mandatory. If you have a proposer, they will also need to complete Form 681. You should take care when filling out this application, as the Australian Government will only be able to judge your application for asylum based on the information you provide in the form.

You can include dependent family members in the application, being a spouse, children under the age of 18, or other people who can show they are dependent on the main applicant (including adult children). A “dependent” is defined as someone who is ‘wholly or substantially reliant on the other person for financial, psychological or physical support’.

There are **2 ways to complete Form 842 and/or Form 681:**

#### 1. Paper form:

- You can download Form 842 from this link: <https://immi.homeaffairs.gov.au/form-listing/forms/842.pdf>.
- You can download Form 681 from this link: <https://immi.homeaffairs.gov.au/form-listing/forms/681.pdf>.
- You may then fill out the form either on your computer using Google Chrome or Adobe Acrobat Reader DC, or fill it out by hand. Once completed, you must then **print and lodge the forms as well as any supporting documents with your local Australian immigration office**. To find your local Australian immigration office, mission or

embassy, visit this link and select your country from the 'Select a country' box: <https://immi.homeaffairs.gov.au/help-support/contact-us/offices-and-locations/list#>.

2. **Webform:** alternatively, you can fill out the DHA's online form to submit your application.
  - You can access the online form from this link: <https://immi.homeaffairs.gov.au/help-support/departmental-forms/online-forms/special-humanitarian-visa-submission-form>.
  - If you have problems using the site or need clarification on how to fill out the form, click the 'Ask a question' button at the bottom of your screen.

It is important that you do not attempt to provide documents that aren't genuine or submit information that is not truthful. If you provide documents that are not genuine or provide incorrect information on your visa application, this could jeopardise your application.

**You can seek legal advice about completing your Offshore Humanitarian Visa application.** You may be able to get legal advice from an Australian community legal centre or private firm. For more information, see our **'HRLP Infosheet – CLC Referral Sheet (Vic)'**, or visit this link: <https://www.refugeecouncil.org.au/migration-advice/>.

### **Important information to consider before applying**

#### ***Delays and limited places***

The Australian Government places a limit on the number of people who are granted an Offshore Humanitarian Visa each year. Australia receives thousands of applications for these visas each year, and only about 10% of these applications are granted.

As a result, it may take a long time for the DHA to make a decision on your application. Some applications can take years to process, and even then, there is no guarantee that the visa will be granted.

Travel restrictions to Australia due to the COVID-19 pandemic has also caused further significant delays even for those whose applications have been approved.

#### ***Eligibility for other visas***

Due to the long time it takes to process an Offshore Humanitarian Visa application and the limited places available, you should consider whether you are eligible for other visas offered by the Australian Government. For more information on the other visas you might be eligible for, we recommend you obtain advice from a registered migration agent or qualified legal practitioner.

**Disclaimer:** This fact sheet provides general information to people seeking asylum in Australia through the onshore protection visa application process according to the law in July 2021. This fact sheet is not legal advice. You should not rely on this fact sheet to make decisions about your immigration matter. We strongly recommend that you get independent advice from a qualified legal practitioner or a registered migration agent. For information please visit: <https://www.mara.gov.au>.

**Date: 5 July 2021**