

Humanitarian visa options for people from Afghanistan

This Fact Sheet provides general advice for people applying under the humanitarian program.

For advice about applications in the Family program, such as partner visas, you should speak with a lawyer or migration agent about your particular circumstances. Call the Refugee Service on 8713 6725 or email us at refugeeservice@legalaid.nsw.gov.au to make an appointment to speak with a lawyer.

What humanitarian visas are available

There are five types (or classes) of visas available.

Subclass 200 Refugee Visa	Must be outside Afghanistan
Subclass 201 In-country special humanitarian visa	Must be inside Afghanistan
Subclass 202 Global Special Humanitarian visa	Must be outside Afghanistan
Subclass 203 Emergency Visa	Can be inside or outside Afghanistan
Subclass 204 Woman at Risk	Must be outside Afghanistan

The process for applying for these visas is the same, although the rules are slightly different.

The only visa that you **must** be sponsored for is the Subclass 202 visa. The other visas can be applied for without a sponsor. However, you should put in a sponsorship form for your family no matter what visa you are applying for and no matter where they are – inside Afghanistan or outside. A person without a sponsor is not likely to get any of these visas.

The rules for getting one of these visas is that you must be at risk of very serious harm in Afghanistan and there must be compelling reasons to give you a visa. The government will also consider whether the applicant has a connection to Australia, for instance if they have family here who are sponsoring them.

Who has priority?

The Australian government announced on 19 August that they would set aside 3,000 humanitarian visas for people from Afghanistan. They said the following people will get priority:

- Afghans who are at risk due to their work assisting the Australian government, including work with the Australian Defence Force, the Department of Foreign Affairs and Trade, AusAid or the Australian Federal Police (this is called the Locally Engaged Employees (LEE) program)
- Extended family members of people who have come to Australia under the LEE program.
- People who have an application for a Subclass 202 visa already lodged
- Persecuted minorities such as women and girls, children, Hazara and other vulnerable groups

Very few people will get one of these visas. It will also take a long time to process the application. If a person is granted a visa, they might have difficulty leaving Afghanistan. If you do not fall into one of the priority groups, there is very little chance that you will get a humanitarian visa.

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How to apply for a humanitarian visa

Everyone who is applying for a visa under the Humanitarian program must complete a **Form 842**.

If they are being sponsored by an Australian citizen or Australian permanent resident, the sponsor must also complete a **Form 681**.

You can access the forms at:

<https://immi.homeaffairs.gov.au/form-listing/forms/842.pdf>

<https://immi.homeaffairs.gov.au/form-listing/forms/681.pdf>

How much does it cost?

There is no application fee.

If your family is outside Afghanistan and is granted a Subclass 202 visa you will have to organise and pay for their travel to Australia.

For people granted any of the other humanitarian visas, the Australian government will pay for their travel.

When they arrive in Australia, they will all be eligible for Centrelink and Medicare, no matter what humanitarian visa they arrive on.

How do you fill out the form?

It is very important that you use the same spelling on the Form 842 and 681 as appears on any ID documents your family has. Fill out as many details as you can. Where it asks for details of employment and schooling you should do your best to complete those sections of the form.

You can only include one 'family unit' on each Form 842. This means, for instance, you can include your mother and father, any siblings under 18, and some siblings over 18 if they are still dependent on your parents. You cannot include married brothers and sisters on the same form as your parents. They must do a separate Form 842. You also need to do a separate Form 681 for them.

What to include in the statement

There are questions in Form 842 about the harm your family fears. If you can, it is best to write a separate statement and attach it to the Form 842.

The statement is the story of the problems your family has in Afghanistan, what they are afraid will happen to them, and why they are afraid. It is very important to give a lot of details because the Department of Home Affairs will use the statement to work out how strong their case is.

The statement should cover what problems they have in Afghanistan and why they are being targeted. If they are being targeted by the Taliban, they should explain why in detail. If anything has happened to them in the past, they must include a detailed account of that. They must explain why they in particular are at risk and not just give general details about the Taliban and how they are targeting everybody. Give detailed descriptions of names, places and dates.

If they have evidence of any of the threats or harm, they should include that. They should also attach to the statement any evidence that proves why they might be targeted. For example, if they were working with the

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Australian government, they should include evidence of that. If they have family members who were working with the Australian government in the past, which makes them a target now, they should also include that evidence.

Do they need to sign the Form 842?

If this is possible, your family should sign the form. You can send them a photo of the page they need to sign and have them sign it electronically or print it out and sign it, then take a photo of the signed page and send it back to you so you can lodge it.

If it is impossible for them to sign the form, you can still lodge it without their signature. However, you should explain in the application itself or on a separate covering letter why it is impossible for them to sign. You should sign on their behalf but note that you are doing this in the application.

Do you need a valid passport to apply for a humanitarian visa?

No - you can still apply even without a passport. But if they do have a passport, even if it is expired, you should include details of the passport on the Form 842.

It is important that they have some form of identity document attached to the application. If they have a Taskera you should attach a photocopy to the Form 842. If they have no ID documents, you can still lodge the application, but it will take longer to get a decision.

Do you need to attach passport photographs of all the applicants?

If you can get passport photographs, then you should. If it is too difficult to get passport photographs, have your family take good quality photographs of themselves (only their face) and you can upload these electronically if you lodge online, or print them out and attach them to the application if you are posting it.

Sponsoring

Can I sponsor my family if I am a temporary resident?

No, if you are the holder of a temporary visa such as a SHEV or TPV, you cannot sponsor your family.

Can I sponsor someone if they are only a friend?

The law says you can sponsor a friend, but there is only a very small chance that a visa will be granted to someone who is not sponsored by a family member.

How many people can I sponsor?

There is no limit to the number of people you can sponsor. But if you sponsor many different family units, it might be more difficult for them all to get a visa. Also remember that if they are outside Afghanistan and get granted a Subclass 202 visa then you must pay for their travel to Australia.

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Where do you lodge the application

The place where you lodge the application depends on whether a person is being sponsored or not. If you are filling out a Form 681 for your family, it means they are being sponsored by you, and the application must be lodged in Australia. If they are not being sponsored and there is no Form 681 being lodged with their application, the application must be lodged overseas.

If a person is being sponsored and you are lodging a Form 842 and a Form 681

Posted to:

Special Humanitarian Processing Centre
Department of Home Affairs
GPO Box 9984
SYDNEY NSW 2001

Delivered by a courier service:

Special Humanitarian Processing Centre
Department of Home Affairs
Level 3, 26 Lee Street
SYDNEY NSW 2001

Via the online portal at:

<https://immi.homeaffairs.gov.au/help-support/departmental-forms/online-forms/special-humanitarian-visa-submission-form>

This portal can only be used if you have passport photos of all the applicants, and if you have the supporting documents. You should try to lodge this way, but if the system does not work for you then print the application out and post.

If a person is not being sponsored and you are lodging a Form 842 only

Posted to:

Australian Embassy - Amman
41 Kayed Al Armouti St
Abdoun Al Janoubi
Amman
Jordan

If family have been granted a visa but have not entered Australia

If you have family in Afghanistan who have been granted any kind of visa (humanitarian or family visa) but have not yet entered Australia, you should email the Department of Foreign Affairs and Trade at afghanistanvisaenquiries@dfat.gov.au and foreign.minister@dfat.gov.au

You will need to provide the name and date of birth of the visa holder, their relationship to the person in Australia the Home Affairs File Number and contact details (telephone and email if possible) for the sponsor in Australia and the visa applicant overseas.

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If you have applied for a family or humanitarian visa but have not received a decision

If you have applied for a Family visa (partner, fiancé, child) or a Humanitarian visa for a person inside Afghanistan you should email the Department of Foreign Affairs and Trade at foreign.minister@dfat.gov.au and afghanistanvisaenquiries@dfat.gov.au and provide the name and date of birth of the visa applicants, the Home Affairs File Number and contact details (telephone and email if possible) for the sponsor in Australia and the visa applicant overseas.

You can also call Home Affairs on +61 2 6196 0196 or 131 881 to inquire about progress of the application

If you have applied for a Subclass 202 visa but have not received a decision

Remember, you will only have applied for a Subclass 202 visa if your family is outside Afghanistan.

You should update the Department of Home Affairs about the situation of your family. You can email shp.enquiries@homeaffairs.gov.au with the name and date of birth of the main visa applicant, the Home Affairs File Number and confirm the contact details of the sponsor and the visa applicant. If the position of your family has changed because of what has happened in Afghanistan (for example, if there is a risk that they might be deported back to Afghanistan from wherever they are now) you should tell Home Affairs.

You can also call Home Affairs on +61 2 6196 0196 or 131 881 to inquire about progress of the application.

Where can you get advice?

For free legal help you can call us on 8713 6725 or email us at refugeeservice@legalaid.nsw.gov.au

If you need an interpreter, call the Translating and Interpreting Service on 131 450 and ask them to call us.

This factsheet is intended as a general guide to the law. Do not rely on this information as legal advice. We recommend you talk to a lawyer about your situation. This information is correct at the time of writing, however, the situation is changing regularly and you should contact us for advice about your options.

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