

How to complete an application for a Protection Visa

Protection Visas

If you arrived in Australia legally (by plane) you can apply for a Permanent Protection Visa Subclass 866 or Temporary Protection Visa Subclass 785.

You can apply online or by post. You will need to complete [Form 866](#).

To apply by post, send the completed form to the Department of Home Affairs (the 'Department'):

Department of Home Affairs
Onshore Protection New South Wales
GPO Box 9984
SYDNEY NSW 2001

If you currently hold a Temporary Protection Visa (Subclass 785) ('TPV') or a Safe Haven Enterprise Visa (Subclass 790) ('SHEV') you must apply for another TPV or SHEV before your current visa stops.

Important information:

- Make sure to use [Form 1505](#);
- The Department recommends applying 3 months before your current visa stops;
- If you do not apply before your current visa stops, you will become unlawful and will be barred from applying for a subsequent visa.

If you are an illegal maritime arrival (IMA) and did not apply for a Protection Visa before 1 October 2017, you can no longer apply for protection. You must leave Australia. If this applies to you, get legal advice.

Application fee is \$35. There is no fee if you are in immigration detention.

Answering questions on the Form

Answer every question.

- If a question does not apply to you, write "N/A" (which means not applicable).
- If you can't remember the answer to a question, write "I can't remember".
- If you don't know the answer to a question, write "I don't know".

You should try your best to answer as many questions as possible and as fully as possible. If you don't write enough details the application could be "invalid".

You must:

- Write your full residential address;
- Explain the reasons why you are claiming protection; and
- Write enough information to show that you have substantially complied with the application form.

Important information to include

It is very important that you list and explain all of the reasons why you are can't or are afraid to return to your home country in your application form and at your Department of Home Affairs interview.

Your application form and your answers at your interview should be consistent and include all relevant information.

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You should include:

- What happened to you in your home country which caused you to leave and seek protection in Australia;
- The types of harm and risks that you think you would face in your home country if you were forced to return.

The Department will only consider the information you give them. If you don't tell them in the initial application, you may not be able to tell another decision maker about it later.

Do you need more space?

It is recommended you write a separate statement and attach it to the form. Write "See attached statement X" in the space.

For example, you may need more space to write about the reasons why you left your country and why you can't go back.

Family members

You can include the following people in your visa application:

- Your partner (married or de facto);
- Your or your partner's dependent children;
- Other eligible dependent relatives.

Only family members who are in Australia and whose immigration status allows them to apply can be included in the application. See details [Form 1497i](#).

- Every family member must complete a separate 'Part C' of the form;

- The claims of each family member must be explained not just the 'family head';
- Children can write their own statements if they are old enough, or parents can describe in their own statements what they fear might happen to their children.

Signing the Form

Don't sign the form until you're certain it's complete. You should sign in all places where the form tells you to sign.

If your child is old enough to understand the nature of the visa application and questions in the form, they should sign it themselves. Otherwise a parent or guardian should sign the form on their behalf.

Documents

Personal Identifiers e.g. photographs and fingerprints

Each person on the application must provide 2 photographs (passport size).

Passports and Identification

Get certified copies and translations of all relevant identification including Passports, travel documents, ID Cards, birth certificates, marriage certificates. See below for information on certification.

Include any documents that support your claims

Photos or other forms of evidence.

What if I can't provide identity documents?

If the Department asks you to provide evidence of your identity you must do so, unless you have a good reason why this is not possible.

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A good reason could include:

- It would be unsafe for you to get this document; or
- Your home government refuses to issue you with identity documentation as a result of discrimination or persecution.

It is not enough to say they have been destroyed or left behind, it is ordinarily expected you will replace them.

Provide genuine documents only

If you give the Department a fake document as evidence of your identity, nationality or citizenship your visa application may be refused.

A fake ('bogus') document is document that wasn't issued to you, is counterfeit, has been altered without authorisation, or was obtained because of a false or misleading statement.

Translation & Certification

For translation Contact an accredited translator.

Website: <http://www.naati.com.au/>

To certify a document, take the photocopy and the original to a Justice of Peace. Find a Justice of Peace [here](#).

After your Application is lodged

For your application to be valid, you will be required to provide 'personal identifiers'. The Department will send you a letter on what you need to do and when to have them collected.

You will be sent a letter informing you of what will happen next and whether there is anything else you must do.

Later the Department will usually send you a letter inviting you to attend an interview. It is very important that you tell the Department if your contact details change.

Useful Contacts

Legal Aid ACT

9.00am-4.00pm Monday-Friday

www.legalaidact.org.au

Phone: **1300 654 314**

Migration Agents Registration Authority (MARA)

www.mara.gov.au

Migration Clinic – Legal Aid ACT

www.legalaidact.org.au

Phone: **1300 654 314**

Email: migration@legalaidact.org.au

This factsheet was originally developed by the Refugee Advice & Casework Service Sydney (RACS) (www.racs.org.au).

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