



Immigration Advice  
and Rights Centre

## Offshore Refugee and Humanitarian visas

### What are Offshore Refugee and Humanitarian visas?

The Offshore Refugee and Humanitarian visa offers resettlement to people outside Australia who are in need of protection. It also allows for family reunion in certain circumstances. This visa can be granted on the basis of a referral from the United Nations High Commission for Refugees (UNHCR) or on the basis of a proposal by an Australian citizen, permanent resident, eligible New Zealand citizen or by an 'Approved Proposing Organisation'.

There are a number of Offshore Refugee and Humanitarian visas that are available. They include:

#### Subclass 200 Refugee visa

The subclass 200 Refugee visa is available to people who are subject to persecution in their home country and are living outside their home country. This visa is also available for persons who have been assessed to be at significant risk of harm as a result of their employment or association with certain Australian agencies or defence forces in Iraq or Afghanistan. This visa is usually granted to people who have been mandated as refugees by the UNHCR and have been referred to the Department of Home Affairs for resettlement.

Reflects Australian  
Immigration law as at  
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### **Subclass 201 In-country Special Humanitarian visa**

The subclass 201 In-country Humanitarian visa is available to people who are subject to persecution and who continue to live in their home country. With the exception of visas granted under the Split-Family Provisions ([see page 4 below](#)) and to persons who have been assessed to be at significant risk of harm as a result of their employment or association with Australian agencies or defence forces in Iraq or Afghanistan, very few of these visas can be expected to be granted.

### **Subclass 202 Global Special Humanitarian visa**

The subclass 202 Global Humanitarian visa is available to people who are outside their home country and are subject to substantial discrimination amounting to a gross violation of human rights. Applications for visas under the Special Humanitarian category must be proposed by an Australian citizen, permanent resident, an eligible New Zealand citizen or an 'Approved Proposing Organisation' ([see page 5 below](#)).

### **Subclass 203 Emergency Rescue visa**

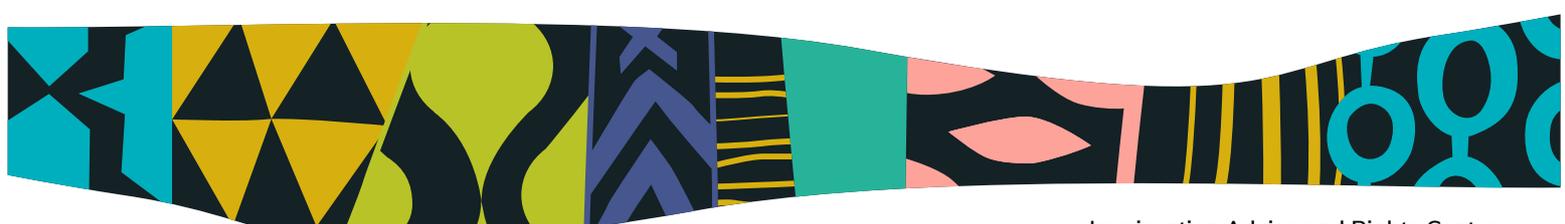
The subclass 203 Emergency Rescue visa can provide for an urgent and accelerated processing of people who are subject to persecution in their home country and who face an immediate threat to their life or freedom. There is no requirement that the visa applicant be outside their home country for this visa to be granted.

Most applications considered under this subclass are referred to Australia by the UNHCR where:

- the need for evacuation is not related to a medical issue and is so urgent that priority refugee processing would be inadequate;
- there is no clear connection to another country offering emergency resettlement; and
- there are no character or security concerns.

### **Subclass 204 Woman at Risk visa**

The subclass 204 Woman at Risk visa is for women who are outside their home country and subject to persecution or where the UNHCR holds concern for their safety. The applicant must be without the protection of a male relative and must be in danger of victimisation, harassment or serious abuse because of their gender. The majority of applicants who are considered under this subclass are identified and referred to Australia by the UNHCR.



## Persecution and substantial discrimination

Applicants for a Humanitarian or Refugee visa will generally need to show that they are subject to persecution or substantial discrimination amounting to a gross violation of their human rights in their home country. There is an exception for some applications made under the 'Split Family Provisions' which is discussed further 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.

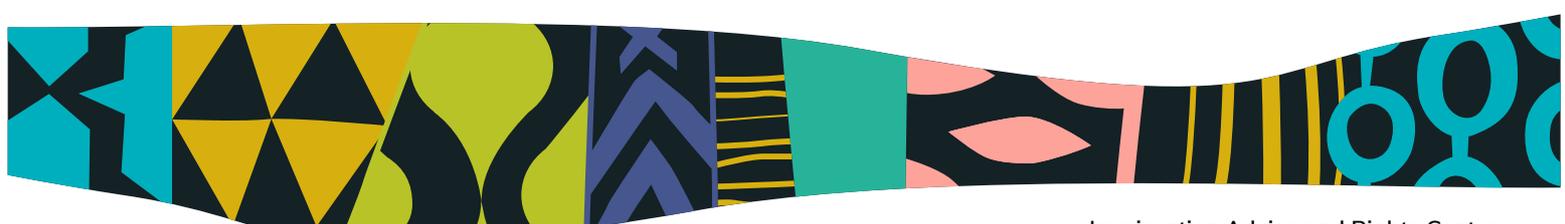
The policy further states that persecution requires repeated or persistent oppression, injury, maltreatment or harassment. In support of an application, where possible and relevant, the visa applicant should provide:

- 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 unreasonably low 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.

An applicant for a Subclass 204 Woman at Risk visa may satisfy this criteria if they are registered as a person of concern to the UNHCR.



## Individuals supporting an application for a Humanitarian visa

If you are an Australian permanent resident, Australian citizen or eligible New Zealand citizen you may be able to support a visa applicant by proposing their application for an Offshore Refugee or Humanitarian visa. As a proposer, it is your role to meet the visa holder at the airport and to assist them with finding accommodation and accessing relevant social services. You may also be expected to help cover their travel expenses.

### The Split-Family Provisions (family reunion)

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

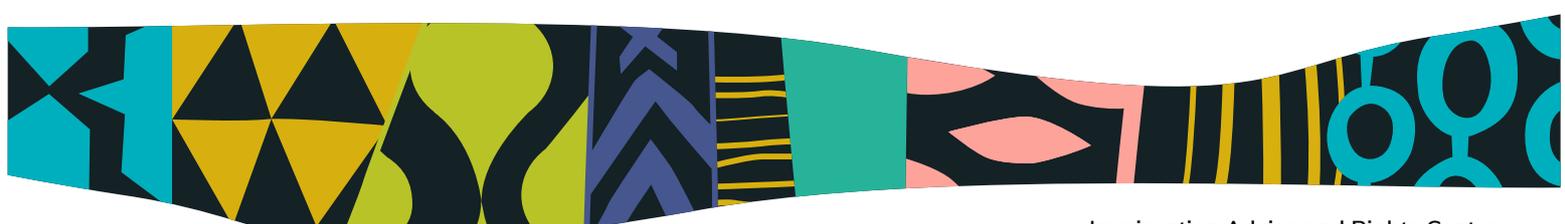
To be eligible for a visa under the 'Split-Family Provisions':

- the proposer must have told the Department of Home Affairs about the family member before the date they were granted their own Refugee or 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.

It is **important** that a woman who holds a subclass 204 Woman at Risk visa obtains legal advice **before** proposing or sponsoring a partner.



**Note: your child or step-child will be considered to be a 'dependent child' if:**

- they have not turned 18; or
- they have turned 18 and:
  - they are wholly or substantially reliant on you for financial, psychological or physical support; OR
  - they are incapacitated for work due to the total or partial loss of their bodily or mental function.

Proposers seeking family reunion under the 'Split-Family Provisions' should also explore whether they can sponsor their family through other visas. IARC's various fact sheets on family visas may provide useful guidance.

## The Community Support Programme

The Community Support Programme is a stream within Australia's humanitarian programme which allows communities, businesses, families and individuals to help someone in humanitarian need resettle in Australia. Under this programme the proposer will be a community organisation that is approved by the Department of Home Affairs. The list of 'Approved Proposing Organisations' can be found on the Department's website. There are additional requirements and fees that apply to this programme. Please see our information sheet on the '**Community Support Programme**' for more information.

## Other requirements

In addition to the requirements for each visa subclass outlined above, Refugee and Humanitarian visa applicants must also satisfy the following criteria:

### Compelling reasons

To grant a refugee or humanitarian visa, the Minister must be satisfied that there are compelling reasons for giving special consideration to the application.

For applicants who are proposed under the 'Split Family Provisions' by an immediate family member who holds a subclass 200, 202, 203 or 204 visa these compelling circumstances are assessed with reference to the extent of the visa applicant's connection with Australia. For all other applicants, including those proposed under the 'Split Family Provisions' by the holder of a subclass 201, 866 or 851 visa, the following factors are considered when assessing whether there are compelling reasons for the grant of the visa:

- the degree of persecution or discrimination which the visa applicant faces in their home country;
- the extent of the visa applicant's connection to Australia;
- whether there is any other suitable country available which can provide for resettlement of the visa applicant; and
- the capacity of the Australian community to provide permanent settlement.

These considerations should be addressed in the application and supported with evidence where possible.

### **Regional and global priorities of the Commonwealth**

All subclasses of visas in the refugee and humanitarian class require that the Minister be satisfied that the permanent settlement of the applicant in Australia would be consistent with the government's regional and global priorities in relation to humanitarian resettlement.

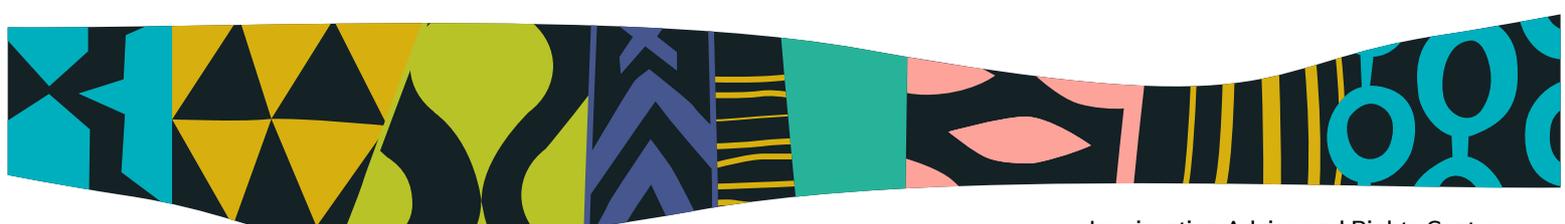
### **Settlement must be the appropriate course and not contrary to the interests of Australia**

The Minister must be satisfied that permanent settlement in Australia is the "appropriate course" for the applicant and "not contrary to the interests of Australia".

In assessing this they will look at whether the visa applicant:

- can return to their home country safely;
- can remain in the country or region of first refuge;
- has been accepted for settlement in another country;
- has close family in, or other ties with, another country;
- is under pressure to leave the country they are currently in;
- has established their identity and whether they pose any security concerns.

These matters should be addressed in the applications and supported with evidence where possible.



## Health and character criteria

All applicants must satisfy relevant health and character criteria. This will involve undergoing appropriate medical examinations, providing appropriate criminal record checks and passing general character requirements.

All members of their family unit (i.e. spouse, dependent children and some dependent relatives) may need to satisfy the health and character criteria even if they are not applying to migrate to Australia. If any member of the family unit fails the health test the visa application may be refused.

## How to apply for an Offshore Refugee or Humanitarian Visa

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

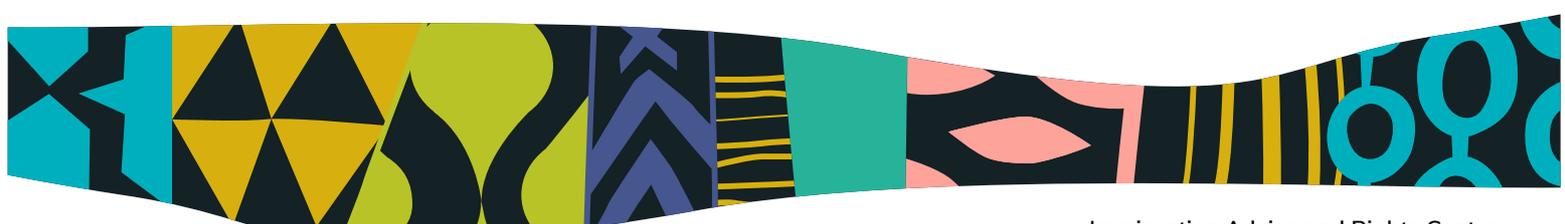
If the visa applicant does not have a proposer the application (form 842 together with relevant attachments and evidence) must be lodged outside Australia at a diplomatic, consular, or migration office maintained by, or on behalf of the Australian government.

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

- 2 passport photographs of each person included in the application with the name of the person written on the back;
- certified copies of their passport, identity or travel documents;
- a statement setting out clearly the basis for the belief that the applicant faces a real risk of persecution or substantial discrimination in their 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 the applicant’s claims;
- newspaper clippings which give details of incidents or events in which the applicant was involved;
- any objective evidence of the applicant’s claim such as reports by international organisations (e.g. Amnesty International or the Red Cross) about treatment of people in the applicant’s situation;
- any medical evidence (including from mental health professionals) in support of their claims;
- any documentary proof such as official documents (e.g. court orders, warrants), letters, photographs or emails which are relevant to the applicant’s claim; and
- evidence of registration with the UNHCR or any other recognised human rights organisation or refugee group, such as the International Red Cross.

When applying under the ‘Split Family Provisions’ (and where the proposer holds a subclass 200, 202, 203 or 204 visa), the applicant is not required to give details of persecution, discrimination, human rights abuses or fears about returning to their homeland. Where the form asks for this information (e.g. if it asks why the applicant left their home country, why they fear returning, why they do not believe the authorities can protect them or what harm or mistreatment they believe they will suffer) the applicant can simply write “APPLICATION UNDER SPLIT FAMILY PROVISIONS”. In any other case, the questions are relevant and must be answered and, where possible, supported with evidence.

Once you have lodged your application it will be assessed by the processing centre or overseas post where you lodged the application. Applications may be referred to the UNHCR or another national or international human rights organisation to check the claims that have been made. The applicant and the applicant’s family members will be required to undergo a medical examination and provide police clearance certificates from countries where they have lived, since turning 16 years of age, for more than 12 months over the past ten years.



## Change in the applicant's circumstances

The visa applicant must inform the Department of Home Affairs of any change in their circumstances up until the time they arrive in Australia. This includes the birth of a child or a change in their relationship status or the relationship status of any family member included in the application.

## What happens if your application is refused?

If your application is refused you cannot seek review of the decision at the Administrative Appeals Tribunal. You should obtain legal advice before making a further application for this visa.

