

How to complete and lodge an application for a protection visa

Form 866 or 790

To apply for either a class XA subclass 866 Permanent Protection Visa or a class XD 785 Temporary Protection Visa you must complete a form 866. To apply for a class XE subclass 790 Safe Haven Enterprise Visa you must complete a form 790. For each application you can complete the form with a pen or on a computer.

Answering questions the form

Answer all the questions. If a question does not apply to you, write "NA" (which means not applicable). If you cannot remember the answer to a question, write "cannot remember". If you don't know the answer to a question, write "don't know".

You should try your best to answer as many questions as possible as fully as possible. It is sometimes okay to write short or incomplete answers, but if you don't write enough details, then the application could be "invalid". For your application to be valid, you must at a minimum:

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

Don't leave out anything important

It is very important that you mention all of the reasons why you are afraid to return to your home country in your application form and at your interview. Your application form and your answers at your Department of Immigration interview should include all relevant information. Relevant information includes:

- 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 there.

The Department of Immigration won't consider information that you don't tell them. If you don't tell the Department of Immigration some information, you may not get the chance to tell another decision maker about it later.

If you need more space

If you run out of space on the form, you can write more the information in a separate piece of paper and attach it to the form. For example, you can write the reasons why you left your country and why you can't go back in a separate statement. See our factsheet "How to Write a Statement for a Protection Visa" for more information.

Family members

Your spouse and children can be included on the same application form if they are with you in Australia. The claims of each family member must be explained, not just those of the "family head" or just one family member. Every family member should complete a separate "Part C" of the form. Children can write their own statements if they are old enough to understand, 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. You must only sign the declaration at the end of Part C in front of a solicitor or Justice of the Peace who will witness your signature. To find a Justice of the Peace: <http://jp.lawlink.nsw.gov.au/public/welcomePublic.do>.

Children: If a child is old enough to understand the nature of the visa application and the questions in the form, they should sign the form themselves. A parent or guardian should sign on behalf of children who are too young to sign. Children under 18 do not need to sign the Australian values statement.

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

Visa application charge: A fee of \$35 must be paid when you lodge. There's no fee if you're in detention. You can pay by direct debit, credit card, money order or a bank cheque but not with cash.

Passports and identification: Get certified copies and translations of all relevant identification, which may include passports, ID cards, birth certificates, marriage certificates.

Other documents that support your claims: Include any other documents (and translations), photos or other forms of evidence that support your claims.

Provide or try to get genuine identity documents, if you can do so safely

The Department of Immigration will ask you to provide evidence of your identity. If the Department of Immigration asks you to provide evidence of your identity you must do so, unless you have a good reason why this is not possible. A good reason could include that it would not be safe for you to apply for or get this document or if your home government refuses to issue you with identity documentation as a result of discrimination or persecution. It will generally not be a good enough reason to say that a smuggler told you to throw your documents into the sea, or that the circumstances of fleeing your home country meant that your documents have been lost, destroyed or left behind. If this happened, the Department of Immigration will expect you to get replacement documents, unless there are good reasons why it would not be safe for you to do so.

You should not provide the Department with any documents that are not genuine

If you give the Department of Immigration a bogus document as evidence of your identity, nationality or citizenship, your visa application may be refused. A bogus document is a document that wasn't issued to you, is counterfeit, has been altered without authorisation, or was obtained because of a false or misleading statement.

How do I arrange translations?

Contact a NAATI accredited translator contact the National Accreditation Authority for Translators and Interpreters: <http://www.naati.com.au/>

How do I arrange certification?

Take a photocopy of the document and the original document to a Justice of the Peace. To find a Justice of the Peace: <http://jp.lawlink.nsw.gov.au/public/welcomePublic.do>

After your application is lodged

In order for you application to be valid, you will be required to provide "personal identifiers" (there are different requirements for children of different ages). After you lodge your application, 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 inform the Department if your contact details change.

Please note: This factsheet contains general information only. It does not constitute legal or migration advice. If you would like advice, please call RACS on (02) 83557227 on a Tuesday or a Thursday from 10 to 11.30am. RACS is entirely independent of the Department of Immigration. All assistance is free. This factsheet was prepared in November 2015.