

Fact Sheet: Completing Form 790 or Form 866

This fact sheet contains general information about completing Form 790 and Form 866, the forms required to apply for a Save Haven Enterprise Visa (SHEV) or Temporary Protection Visa (TPV). If you have any questions about completing these forms, please contact a registered migration agent for advice.

An application for a SHEV must be made using Form 790. An application for a TPV must be made using Form 866. If you are unsure which visa to apply for, refer to Department of Immigration fact sheets translated into community languages (available at: <http://www.border.gov.au/Trav/Refu/protection-application-information-and-guides-paiq/translations> and <http://www.border.gov.au/ima>) or call RACS for advice.

1. General Information and Tips:

- Read all the information in Part A before starting to complete the form.
- You can complete the form by hand, or on a computer and then print it out.
- Answer all questions truthfully.
- If you do not know the answer to a question, write "I don't know" or "I can't remember".
- If you don't know an exact date, write an approximate date and also write something like "approximately" or "approx." or "I don't remember the exact day/month/year". Do not make up or guess dates.
- If a question does not apply to you, write "N/A".
- If you need more space to answer any questions, write your answers on a separate piece of paper and attach it to the form.
- If you have any documentary evidence to support your claims for protection (for example, hospital records, police reports, photographs, membership cards) you should attach copies to the form. Copies of originals should be certified whenever possible.
- The Department of Immigration will check any information you write in this form with information you have previously given to the Department. If you need to correct information that you previously provided, you should explain why the previous information was incorrect in the form or on a separate piece of paper.
- Keep a copy of the form that you submit to the Department of Immigration.

2. Who can help me complete a Form 790 or a Form 866?

Any person can help someone to complete the form by reading the questions to you in another language, showing you where certain information should be written, typing or writing answers given by you into the form.

However, giving advice or opinions to you about migration law and procedures relating to your visa application or the form can only be done by a registered migration agent. It is illegal for a person to do this unless they are a registered migration agent or a family member.

3. Which sections of the form to complete:

Individuals: Complete Part B and Part C

Families: Complete one Part B for the whole family, listing the names of all family members included in the application; and complete a separate Part C for each family member included in the application (including young children).

Adult children are generally not allowed to apply as part of a family group with their parents or siblings. Seek legal advice if you are unsure.

4. Minimum requirements for a 'valid' application:

- There must be substantial compliance with the directions on the form and your answers must be in English.
- You must write some details about the reasons why you are claiming protection or why you are a member of the same family unit as someone who is claiming protection.
- You must pay the visa application charge. This is currently \$35. (If you are in detention, there is no charge.)
- You must write your full residential address.
- If the Department of Immigration asks you to, you must provide personal identifiers (digital photograph and fingerprints).

Once you have lodged the application, the Department of Immigration will send you a letter stating that you have lodged a valid application. If you don't receive this letter, you should contact the Department.

5. Using the Entry Interview and other records in preparing the application:

It is important to look at and listen to any records of previous interviews that you have done before preparing the Form 790 or Form 866. Previous records can help you to complete some details in the application form. Not everyone will have all of these records.

Relevant records may include:

- Previous visa applications by you or other family members
- Entry Interview (written records and audio)
- Other interviews, e.g. biodata interview, age determination interview, screening interview.

It is important to be aware of and explain any inconsistencies between previous records and the details you write in the form.

If there are mistakes in the previous records, you should explain what you think are the reasons for the mistakes in the application form or on a separate piece of paper. For example, if you made a mistake by providing incorrect information, explain why you provided incorrect information and how you now know the correct information. If you think the mistake was due to a misunderstanding between you and the interpreter or interviewer, explain this.

For example, if the Entry Interview says you travelled to *Iran* in 2002, but you actually travelled to *Iraq* in 2002, write on the application form "My entry interview says I went to Iran in 2002. This is not correct." Then explain the reason, e.g. "I don't know why it says Iran, I did not say that." or "I accidentally said 'Iran' but I meant to say 'Iraq'."

6. Additional information and explanation about some questions in Form 790 and Form 866

The following table contains some notes to help explain some of the questions in the forms. It does not address all questions in the forms. If you have any questions about a form that are not addressed here, contact a migration agent for advice.

PART B	
Question Number	Notes
Form 790: Q 3 Form 866: Q 2	<p>Who should be listed here?</p> <p>Family members who are in Australia and who want to apply for a protection visa together.</p> <p>People who meet the legal definition of ‘member of the same family unit’ can apply for a protection visa together. This includes:</p> <ul style="list-style-type: none"> • Husband, wife or de facto partner (living like a husband or wife but not married) • Child under 18, or child over 18 who is dependent on the parents for financial, physical or emotional needs • Other young relatives who are under 18 or over 18 and dependent. <p>There may be other situations in which people are members of the same family unit. If you are unsure, seek advice from a migration agent.”</p> <p>Does the person have claims for protection?</p> <p>Any person who fears some kind of harm in their home country should tick yes and respond to questions 89-97. This includes children who could be harmed.</p>
Form 790: Q 5 Form 866: Q 4	<p>Who should be listed here?</p> <p>Anyone who is a ‘member of the same family unit’ and in Australia but who is not listed at Question 2 (866) or at Question 3 (790) because they are not applying for the visa together.</p>
Form 790: Q 6 Form 866: Q 5	<p>Who should be listed here?</p> <p>Family members who are ‘members of the same family unit’ and who are overseas:</p> <ul style="list-style-type: none"> • Husband, wife or de facto partner (living like a husband or wife but not married) • Child under 18, or child over 18 who is dependent on the parents for financial, physical or emotional needs • Other young relatives who are under 18 or over 18 and dependent. <p>There may be other situations in which people are members of the same family unit. If you are unsure, seek advice from a migration agent.</p>

Form 790: Q 7-10 Form 866: Q 6-9	Write the name and details of any person who helped you complete the form.
Form 790: Q 11 Form 866: Q 10	Unless you are being represented by a migration agent, tick "myself". The Department will send you letters about your application. It is important to check the mail regularly and tell the Department anytime you change address.
Form 790: Q 12 Form 866: Q 11	You must pay \$35 to lodge your application (unless you are in immigration detention or community detention). If you are paying by debit card, you must lodge the form in person, not by post.
Form 790: Q 14-16 Form 866: Q 13-15	Write the name and details of any person who helped explain the form to you in your language. In any fields that don't apply, write "N/A".

PART C (Please note: The questions in Part C of Form 790 and Form 866 are the same.)	
Question Number	Notes
Q 2-5	If you are unsure about how to respond to these questions, ask a migration agent for advice.
Q 7	Write your name in your own language. Do not sign in this box.
Q 8	Write all variations of the spelling of your name in English and/or in your own language.
Q 9	Write all of the names that you have ever used, or been known by, or called. This is very important. If you need more space, use a separate piece of paper.
Q 11	A Boat ID has 3 letters and 3 numbers (e.g. ABC012)
Q 18	A person's country of citizenship might be different to their country of birth.
Q 22	If you are a citizen or national of two or more countries, you might not be able to apply for a protection visa and you should seek advice from a migration agent before submitting your application.
Q 25	An example of a right to enter and reside in a country is having a current valid visa to go to another country, but it can also include other types of permission. If you are unsure, get advice from a migration agent before submitting your application.
Q 30	You have a right to be provided with an interpreter at the interview. If your English language skills are good, but there are some words, expressions or accents that you don't understand, then you should tick 'yes'. If you need an interpreter who speaks a particular dialect of your language, specify that dialect here.

Q 35	If you don't know exact dates, write an approximate date or year and handwrite "approx." next to the date.
Q 36	This would usually be a parent, but it could be another relative or person.
Q 37	It is very important to provide your full and correct residential address. If you don't, your application could be invalid.
Q 38	The address that you write here will be the address where the Department will send you letters about your application. It is very important that you check the mail regularly and you tell the Department anytime that you change address by contacting BVE Reporting (1300 728 662) and submitting a Form 929 to the Department.
Q 40-41	You can choose whether you want the Department of Immigration to send you letters by email or mail. If you prefer to receive letters by mail, tick "No". If you prefer to receive letters by email, tick "Yes". You should only choose to receive letters by email if you check your email address every day, including your junk mail. Even if you choose email, you should still continue to check for letters by mail at your postal address.
Q 42	You only need to write the names and details of family members who you did not list in Part B. It is important to include all the names that your family members are known by or called, including names before and after marriage. If you don't know a family member's exact date of birth, write "approx." and provide as much detail as you can, such as the year or month.
Q 44	For example, "I contact my wife in Quetta by telephone around once a week."
Q 45	You only need to write the details of family members or friends who live in Australia and with whom you have contact. If you don't know some details, write "Don't know".
Q 46	If you don't know the exact date, write "Don't know".
Q 47	For example, Christmas Island or Darwin.
Q 48	If you don't know the exact date, write "Don't know".
Q 49	If you left your country by crossing a border, write the name of the town at which you crossed the border. If you left your country on a boat, write the name of the town nearest to where you got onto the boat.
Q 50	Legally: Choose this option if you used a valid passport or travel document, and you completed all legal processes required for leaving the country. Illegally: Choose this option if you did not use a valid passport or travel document, or you did not go through all legal processes required for leaving the country.

Q 51	If you arrived by boat without a visa, tick "Unauthorised maritime arrival".
Q 52	If you arrived by boat without a visa, tick "Did not enter using a travel document". Further details are not required.
Q 53-58	If you have a current valid passport, tick "Other travel document" and write the details of that passport at Question 53. If you have more than one current valid passport, write the details of the other passport at Question 57. If you have an expired passport, write the details at Question 58. If you have never had a passport, write "N/A" in all questions.
Q 59	Unless you are Chinese, write "N/A".
Q 61	If you hold or have held a Bridging visa, tick "Yes".
Q 62	If you arrived by boat without a visa, tick "No".
Q 63	If you hold or have held a Bridging visa, tick "Other visa" and write "Bridging visa". If you don't know further details, write "Don't know".
Q 64	If you have had a Bridging visa cancelled, tick "Yes" and provide details.
Q 65	If you had health examinations in detention, tick "Yes". If you don't know details, write "Don't know".
Q 69	If you have returned to your home country since arriving in Australia, this could lead to doubts about the genuineness of your fear of harm in your home country. You should provide a full explanation of why you returned, where you went, and whether you experienced any harm.
Q 72-73	It is important that you write the details of any countries that you have applied to go to at any time in your life, even if you did not end up going there.
Q 75 & 77	For example, if you registered as a refugee with the UN, an international organisation or the government in any country, write the details here. If you have been assessed as a refugee before, the Department of Immigration might ask you to provide records of this assessment or they might contact the UNHCR to get records.
Q 76	For example, if you went to Indonesia or Malaysia, did you contact the UNHCR? If so, write the details here, but make clear whether or not you actually got to be assessed, or were just waiting to be assessed
Q 78	If you arrived by boat without a visa, tick "yes" and write the names of the detention centres. If you don't remember the dates, leave them blank.
Q 79	If you have contacted the embassy of the country where you fear harm, get advice from a migration agent before submitting this application.
Q 80	It is important that you write details of every time you have been to a country other than your home country and Australia in the last 30 years.

	If you don't remember the exact dates, write an approximate date (e.g. 01/01/year) and handwrite "approx." or "can't remember exact date".
Q 81	<p>If your house did not have a proper street address, write as many details about where the house was located in your village or town.</p> <p>If you can't remember the exact dates, write an approximate date (e.g. 01/year) and handwrite "approx." or "can't remember exact date".</p> <p>There must not be periods of time without an address. For example, if you lived at one address from 01/2000 to 05/2003, next address must start on 05/2003, and the previous address must finish on 01/2000.</p>
Q 82	If you are unsure whether you have the right to work on your visa, get legal advice.
Q 84	<p>Provide as many details as possible about your previous jobs and employers. If you can't remember some details, such as the address, write "Can't remember address".</p> <p>If you can't remember the exact dates, write an approximate date (e.g. 01/year) and handwrite "approx." or "can't remember exact date".</p> <p>There must not be periods of time without an explanation. For example, if you worked at one job from 01/2000 to 05/2003, next job period must start on 05/2003, and the previous job period must finish on 01/2000.</p> <p>For any period of time that you did not work, provide details about what your daily activities were and how you survived financially. For example, "I stayed at home and helped my mother with housework. My father supported me financially."</p>
Q 85	<p>Provide as many details as possible about your previous education. If you can't remember some details, such as the address, write "Can't remember address".</p> <p>If you can't remember the exact dates, write an approximate date (e.g. 01/year) and handwrite "approx." or "can't remember exact date".</p>
Q 86	Write the details of any criminal investigations, charges, or convictions in any country, or crimes you have committed, even if the thing you did is not a crime in Australia.
Q 87	<p>Families: It is important to tell the Department all the reasons why any family member could be harmed if they go back to their home country, including children.</p> <p>Different family members can have different reasons for fearing harm. Sometimes children are at risk of different types of harm, or are at greater risk of harm, than their parents.</p>
Q 89-96	<p>This is where you explain why you believe you meet the legal definition of a refugee or complementary protection. Refer to the RACS fact sheet on the legal definitions. (http://www.racs.org.au/factsheets/)</p> <p>You can choose to write this information here in the Form 866 or you can write this information in a separate statement. Refer to the RACS fact sheet on writing a statement. (http://www.racs.org.au/factsheets/) If you need help writing a statement, call RACS for advice.</p> <p>If you are writing a statement, you must attach it to Form 866 and, in response to these questions, write something like "Please see my statement attached".</p> <p>If there is more than one reason that you left your home country and more than</p>

	<p>one type of harm that you fear, write down the details of all reasons and all types of harm that you fear.</p> <p>If you would like to lodge the Form 866 as soon as possible, but you need more time to explain the reasons why you left your home country, you should write at least a little bit of information in response to each of these questions and also write something like “This is not a full description of my claims. I will provide more details later.” Then you should submit a full statement as soon as possible after submitting the Form 866.</p>
Q 97	<p>Write the details of all documents that you have already provided to the Department, or that you want to provide in support of your application. You should only tick “Will provide later” if you are sure that you will be able to provide the document.</p> <p>It is very important that you do not provide any false or fake documents. If you do, your visa application could be refused.</p> <p>It is very important that you do not provide any documents if you don’t know exactly what is written in the document (for example, because you can’t read). If a document contains a mistake, you need to explain why. If you provide a document that contains incorrect information, your visa application could be refused.</p> <p>The Department might ask you to provide original copies of all your identity documents. If you can’t obtain the originals, you may need to explain why.</p> <p>Any documents that are important to your case should be translated into English by a NAATI accredited translator. Contact details of translators are available here (http://www.naati.com.au/). Translators usually charge a fee.</p>
Q 100	<p>Do not sign this declaration on your own. It must be signed in front of a lawyer or a JP (Justice of the Peace). A JP is often available at your local post office, library or pharmacy.</p>

Please note: This fact sheet contains general information only. It does not constitute legal or migration advice. This fact sheet has been drafted on the basis of the most recent version of Form 790 and Form 866 as at the date of writing. It is based on the October 2015 version of the forms. If you would like more detailed information on any aspect, please refer to RACS fact sheets available at www.racs.org.au. RACS is independent of the Department of Immigration. All assistance is free. This factsheet was prepared in December 2015.