

The Code of Behaviour and Bridging Visa conditions for people who came by boat: Bridging Visa E

What is a Bridging Visa?

A Bridging Visa is a temporary visa that allows you to live in the Australian community while you are waiting for your refugee case to be finalised by Immigration.

It's like a 'waiting visa'.

The Department of Immigration is currently contacting people who came by boat to arrange for them to sign Codes of Behaviour. If you have previously had a Bridging Visa that has expired, you may be contacted soon to receive a new Bridging Visa and to sign the Code.

Conditions on Bridging Visas

Different people have different bridging visas and different conditions on their Bridging visas, depending on when you arrived in Australia.

Conditions are the rules you must follow whilst holding a Bridging Visa.

This factsheet is about common Bridging Visa E Conditions. If you hold a different Bridging Visa or you have different conditions, please call RACS to discuss your particular rules.

It is important to know what the conditions on your Bridging Visa mean. If you don't keep to these conditions, your Bridging Visa could be cancelled and you could be detained.

Even when your Bridging Visa expires you should continue to comply with the conditions of your expired bridging visa.

1. No work – Condition 8101

This includes some volunteer work.

If you want to do volunteer work, get it approved by Immigration first.

2. Report to Immigration – Conditions 8401 and 8506

There are two parts to the reporting requirement:

1) Regular reporting:

- You must call or email Immigration whenever they tell you to, e.g. every 3 months;
- You must tell the Department your name, address, boat ID, phone number.

2) Report when your details change:

- You must call Immigration whenever you change address or telephone number;
- Why should you do this? If the Department needs to contact you or send an important letter to your house, you will not get it. This could have serious implications to your case if you don't get important letters and respond.

3. No criminal conduct – Condition 8564

What is "criminal conduct"? It is very broad:

- It can include being suspected or accused of any criminal activity.
- You don't have to be charged or convicted of an offence. No matter how big or how small.

4. Signing and not breaching the Code of Behaviour – Condition 8566

If you came by boat and are 18 or older this condition means you must have signed a Code of Behaviour and must not breach the Code.

Should I sign the Code of Behaviour?

The Code of Behaviour is an agreement between you and the Government on how you will behave while you are in the community.

You need to sign this Code of Behaviour to be entitled to a Bridging Visa E – if you don't sign it the Department could refuse to issue you with a Bridging Visa E and you could be detained. If you have a current Bridging Visa which remains valid, you are not required to sign the Code until you need a new Bridging Visa. At that point, you will need to sign the Code to be entitled to a Bridging Visa.

Holding a Bridging Visa means you have the right not to be taken into detention.

What is criminal conduct?

Criminal conduct can mean many different things. The examples below are not a complete list, but are intended to give you a general idea of what can be criminal conduct:

Assault – for example:

- getting into a fight regardless of who started the fight,
- Hitting someone, touching or spitting on someone, threatening violence against someone.
- This can also include your family members, partners or friends – in Australia it is not acceptable to hit your child or partner or anyone, no exceptions.
- Assault does not only include hitting someone, this could also include intimidating someone or making your partner scared.

In Australia, violence of any kind in the home is called **domestic violence**. This is not acceptable behaviour and against many laws.

- It can include physical abuse or emotional abuse, such as yelling, making threats, harassing, or intimidating the other person that makes them not feel safe.
- EVERYONE has the right to feel safe. If you ever do not feel safe, for any reason – you should call the police.

You must not **touch anyone** without their consent. It is against the law to touch anyone without their permission. This includes any kind of **sexual contact**. Sexual contact is not acceptable without consent.

- This also applies to your partner.
- It is against the law in Australia to have any kind of sexual relationship with anyone under the age of 16. This is known as the age of consent and is referenced in your Code of Behaviour.

Offensive language or behaviour, shouting or being a nuisance in a public – including not moving on if the police tell you to move.

Resisting arrest including fleeing a police officer or not giving them your correct identity details.

Driving offences – eg driving without a licence, driving after drinking alcohol or using drugs, driving in a dangerous way.

Possession of **drugs**, using drugs or **drinking alcohol in a public place**.

Property damage or threatening to damage property – even if it is your own property.

Stealing from shops or people.

What is anti-social behaviour?

The Code of Behaviour makes reference to anti-social behaviour and the need to follow *ALL* laws. Here are some common examples of anti-social behavior.

- You are not allowed to make too much noise that will affect your neighbours. This includes shouting, talking loudly on the phone outside your home, or the regular noise when people are gathered at your home. In NSW quiet time is Sun – Thurs 10pm -8am, and on a Fri & Sat 12am – 8am.
- Not abiding by this law would be considered anti-social behaviour and affecting the “quiet enjoyment of others” both referenced in your code of behaviour.
- Other anti-social behaviours might including shouting in a public place or acting in a way that effects the way other people might like to use the space you share.

Always have a bus or train ticket

Some laws and rules you should also be careful of are making sure you always have a bus or train ticket. Failing to have a ticket on a bus, train or ferry is an offence and you can be fined.

You should make sure you are purchasing the right ticket for the right length of travel. For example it is an offence to purchase a student ticket if you are not a student. You could also get in trouble for buying a ticket for 2 sections, if you travel more than 2 sections.

Have a look at transportnsw.info for more information – they have information available in languages other than English on their website.

Driving

Make sure you have a valid licence to drive in NSW.

Make sure you understand the conditions and rules surrounding your licence.

For example, if you are learning to drive you need a Learners Permit and must travel with L-Plates on the car. The person teaching you must be a fully qualified driver.

If you have a Provisional Licence, you must travel with P-Plates on your car. You cannot drink any alcohol before or whilst driving. If you are under the age of 25 you can only carry one passenger under the age of 21 between 11pm and 5am.

For more information you should visit <http://www.rms.nsw.gov.au/>

Whilst driving it is also important you follow the road rules, eg only parking where you are allowed and following the speed limit. Receiving a fine for breaking the road rules can breach your Code of Behaviour agreement.

What if I already have a fine?

If you already have a fine or ticket should get legal advice from RACS straight away. It is important that you get advice about what impact this may have on your immigration status before signing the Code of Behaviour.

There are also free legal services that can help you if you have unpaid debts or have received a fine, such as MOSAIC ph: 02 9114 1793

If you have any charges or offences in which the police were involved you should call Legal Aid, ph: 02 9219 5000

The police

The police are here to help you and keep you safe.

If you ever need help from the police you should call ‘ 000 ’

Your rights if you are approached by the police

- you should give them your **name and address**;
- you have the right to **remain silent**;
- you have the right to request an **interpreter**;
- you have the right to **call a lawyer** (or support person);
- you have the right to **know why they want to talk to you**;
- you have the right to be treated with **dignity and respect**.

What happens if I breach the Code?

If you breach the Code:

- you may be sent a warning letter from the Department of Immigration about your behaviour;
- you may be asked to attend a meeting with your caseworker or the Department to discuss your behaviour;
- you may be required to respond so we would encourage you to seek legal advice if this happens to you;
- the department may decide that your income support could be reduced or cancelled;
- the department may decide to cancel your bridging visa.

You should seek legal advice if this happens to you.

What if my Bridging Visa is cancelled?

If your Bridging Visa is cancelled:

- you will be returned to immigration detention;
- you may be transferred to an offshore processing centre (Nauru or PNG); and
- you will not be eligible to apply for a new Bridging Visa.

You must be notified in writing: the Department will give you a letter by post or in person.

You can appeal your cancellation in the Administrative Appeals Tribunal by fax, online or in person.

This is a free application.

If you receive notice by hand – you have only 2 working days to appeal.

If you receive notice by post – notification is taken to be received seven days after the date of the document, so this may give you a little more time.

If your Bridging Visa is cancelled it is important you get legal advice immediately!

You will require the following to complete an application for review online:

- a scan or clear photo of the notification of the cancellation decision by the Department; and
- a valid email address that you check regularly.

When completing an application:

You must complete the form in English.

You are encouraged to complete the application with as much information as possible. Applications with missing information may take longer to process.

There are currently long waiting periods at the Tribunal. However, they do try to prioritise people in detention.

If you need help

RACS can provide advice on the Code of Behaviour, Bridging Visa Conditions and cancellations.

We always provide interpreters when we talk to you on the phone or in person. When you call us, tell us your name, phone number and language. We will call you back with an interpreter on the telephone.

Please note: This factsheet contains general information only. It does not constitute legal or migration advice. If you need legal or migration advice about your specific situation, please contact RACS. RACS gives telephone advice on Tuesdays and Thursdays from 10am to 11.30am, although if your bridging visa has been cancelled, please mention this when you call. RACS is entirely independent of the Department of Immigration. All assistance is free. This factsheet was prepared in October 2014.