

Current Visa Options for Ukrainians in Australia

There are different visa options for Ukrainians in Australia depending on whether they hold a Temporary Humanitarian Concern (Subclass 786) Visa or not.

Ukrainians who were in Australia between 21 March 2022 and 31 July 2022, were able to apply for a Temporary Safe Haven (Subclass 449) Visa and then a Temporary Humanitarian Concern (Subclass 786) Visa.

Ukrainians who did not apply for a Temporary Safe Haven (Subclass 449) Visa and then a Temporary Humanitarian Concern (Subclass 786) Visa and Ukrainians who arrived in Australia after 31 July 2022 are subject to normal processing arrangements.

This fact sheet outlines the options for each group including recent information from the Minister about how people who hold subclass 786 visas may be able to apply for other visas in Australia. This fact sheet also contains information on how Australian permanent residents and citizens may be able to sponsor family members living in Ukraine and how to get further help from RACS.

Temporary Humanitarian Concern (Subclass 786) Visas

Temporary Humanitarian Concern (Subclass 786) Visas offered to Ukrainians allow them to stay in Australia for three years from the date they were granted. To be eligible for these visas, Ukrainians in Australia first had to accept an offer of a Temporary Safe Haven (Subclass 449) Visa.

What are the conditions on the visa?

The visa allows you to work, study, access Medicare and Special Benefit payments from Centrelink. Further services are available to support Temporary Humanitarian Concern (Subclass 786) Visa holders. You can find information about these on the Department of Home Affairs website here: <https://www.homeaffairs.gov.au/help-and-support/ukraine-visa-support/australian-government-offer-for-temporary-humanitarian-stay-in-australia>.

How long does the Temporary Humanitarian Concern (Subclass 786) Visa last?

The visa lasts for a maximum of three years.

Can I travel overseas on the visa?

You need permission to travel if you want to leave Australia and re-enter Australia on your Temporary Humanitarian Concern (Subclass 786) Visa.

If you leave Australia, you will not be able to re-enter Australia on this visa. You will need to get another visa to re-enter Australia.

Subclass 786 visa holders who wish to depart and re-enter Australia while maintaining their temporary humanitarian stay visa, can submit a request to the Department. Permission to depart and re-enter

Australia may be approved in limited situations, where compelling and compassionate circumstances exist.

The travel request must detail the compelling and compassionate circumstances. Supporting evidence must also be provided. Travel requests containing all relevant information can be sent via email to ukraine.humanitarian@homeaffairs.gov.au. For more information, you can check the Department's website: [Information for Ukrainian nationals who accepted the offer of temporary humanitarian stay before 31 July 2022 \(homeaffairs.gov.au\)](https://www.homeaffairs.gov.au/help-and-support/ukraine-visa-support/australian-government-offer-for-temporary-humanitarian-stay-in-australia)

Can I apply for visas other Visas?

If you have been granted a Subclass 449 Visa, **you can only apply for other visas while you are still in Australia if the Minister for Immigration uses their power under s91L of the *Migration Act 1958* to allow you to do so.**

In February 2023, the Minister for Immigration indicated that they may allow Ukrainians holding subclass 786 visas to apply for other visas in 'exceptional circumstances'. The Minister has indicated that "Exceptional circumstances may include, but are not limited to:

- where an individual can show that by applying for and being granted another visa they are contributing to the Australian economy or society, or
- that the visa they are proposing to apply for will ensure that they can maintain a family unity where Australian citizens are involved."

Further information is available here: <https://www.homeaffairs.gov.au/help-and-support/ukraine-visa-support/australian-government-offer-for-temporary-humanitarian-stay-in-australia>.

If you have ever held a Subclass 449 visa or a Subclass 786 Visa, you cannot make a valid application for a Protection Visa.

Even if you have not held a Subclass 449 visa, just being offered a Subclass 449 Visa means your Protection Visa application would likely be refused because of clause 866.227 of Schedule 2 of the *Migration Regulations 1994*.

You should seek legal advice about how a Protection Visa refusal may affect your other visa options.

If you were in Australia before 31 July 2022 and offered a Subclass 449 Visa but did not accept the offer, the *offer of a Subclass 449 Visa alone* will not prevent you from being granted visas (other than a Protection Visa) in Australia. RACS cannot advise you if you meet the criteria for other visas but can make a referral to another legal centre or law firm that may be able to assist with this.

Sponsoring Family Members

If you have a permanent visa or are an Australian Citizen, you may be able to sponsor your family under the Offshore Humanitarian Visa Program or through the Family Stream (e.g. Partner Visas or

Child Visas). This information also applies if your family is no longer in Ukraine but has fled to a neighbouring country.

If you hold a temporary visa, bridging visa or do not have an Australian visa, you cannot sponsor or propose family members to come to Australia. In some cases, organisations can help you sponsor people.

Offshore Humanitarian Visas

- These visas allow people to apply to come to Australia and Australian citizens and permanent residents to propose family members to come to live in Australia permanently.
- Very few applications for these visas are successful.
- Even successful applications for Humanitarian Visas usually take over one year to be granted.

Family Stream Visas

- These visas allow Australian citizens and permanent residents to sponsor family members to live in Australia.
- There are many different visas you can apply for (e.g. Partner Visa or Child Visa), which one is best for your family member depends on who you want to sponsor.
- Visas under the family stream can cost thousands of dollars.
- The waiting time to apply can be many months and often years.

More information can be found on RACS' website here: <https://www.racs.org.au/fact-sheets>. If you have further questions, contact RACS on (02) 8355 7227.

Getting Help from RACS

If you are unable to afford a private migration agent, but require advice regarding your visa options, you may wish to contact RACS. RACS cannot advise on all your visa options but can make referrals where you require advice about other visa options.

RACS is entirely independent of the Department of Home Affairs. All assistance is free.

If you would like advice or assistance, RACS offers the following service options:

Telephone advice	Day	Time	Address/Number
Client Line	Monday to Friday	11AM to 1PM and 2PM to 4PM	(02) 8355 7227 or admin@racs.org.au

Please note: This fact sheet contains general information only. It does not constitute legal or migration advice. RACS is independent of the Department of Home Affairs. All assistance is free. This factsheet was prepared in October 2023.