

## How to write a statement for an offshore humanitarian visa application

In order to make an application for an offshore humanitarian visa, you must indicate the reasons you believe you are at risk in your home country. You can write your reasons in the questions of the form which ask you about your claims. Or if you have a lot of information, you can write a separate statement. This factsheet sets out what you should include in your statement.

If the application includes a proposer (sponsor), the statement should be written by the visa applicant(s), not the sponsor.

### What should I write in my statement?

#### Personal details

Start by describing your personal details, like your:

- full name
- date of birth
- nationality and / or the country where you usually live
- religion and ethnicity
- family background and occupation

#### Family background

If your parents or other family members have had previous problems that are relevant to your own problems, describe those problems.

#### Problems in your home country

Describe the times you encountered problems or suffered harm or discrimination.

- What happened to you?
- Why and how were you harmed or discriminated against?
- Give detailed descriptions including names, places and times.
- Did you ask for help from the authorities or police in your country? If not why not?

#### *Describing your fears*

It is important to describe every different type of harm or discrimination that could happen to you in the future, who would do it to you, and what would be the reason for the harm or discrimination. Often it is difficult to know what will happen in the future, but it is important that you give as many details as possible about what you think might happen and why. If you fear more than one type of harm or discrimination, you should describe all types of harm or discrimination.

#### *Who will harm or discriminate against you?*

Give specific details of all the people who you think will harm or discriminate against you. For example, if you fear harm or discrimination from the government, specify which sections of the government. If you fear harm or discrimination from a militant or religious group, specify the name of the group. If you fear harm or discrimination from individual people, specify their names. If you fear several different groups or individuals, you should mention all of them.

## ***Why will they harm or discriminate against you?***

The harm or discrimination you might suffer might be directed at you for one of 5 reasons:

- Your nationality
- Your ethnicity
- Your religion
- Your political opinion
- Your membership of a 'particular social group'.

The law says that a 'particular social group' is two or more people who have a shared characteristic, and that characteristic is something that can't be changed, or something that is fundamental to their identity or conscience, or something that distinguishes the group from other people in society.

## ***What specifically, will they do to you? Is it persecution?***

Persecution requires repeated or persistent oppression, injury, maltreatment or harassment and includes:

- any threat to your life, liberty or security
- continued or periodic harassment, detention or arrest
- exile from your home country or to a remote area within that country
- arbitrary arrest, detention or exile (except during emergencies if such measures may be considered necessary to safeguard the safety and rights of others and to maintain order)
- torture or cruel, inhuman or degrading treatment
- slavery or servitude without compensation
- confiscation of property or assets
- indoctrination or re-education.

## ***Will you be subject to substantial discrimination amounting to a gross violation of human rights?***

Substantial discrimination requires an unfavourable distinction and includes:

- arbitrary interference with the applicant's privacy, family, home or correspondence
- deprivation of means of earning a livelihood, denial of work commensurate with training and qualifications and/or payment of unreasonably low wages
- relegation to substandard dwellings
- exclusion from the right to education
- enforced social and civil inactivity
- removal of citizenship rights
- denial of a passport
- constant surveillance or pressure to become an informer.

## ***What makes you think the harm or discrimination will happen?***

There must be good reasons for believing that the harm or discrimination will happen to you in the future.

***How likely is it that the harm or discrimination will happen to you in the future? How do you know that it will happen to you?***

- Has it happened to you in the past?
- Have you seen or heard of it happening to someone else like you?
- Do you have any evidence that it will happen to you?
- Are there any news or research reports which support what you say?
- Was there a period of time that you lived at home and weren't harmed or discriminated against? If so, why weren't you harmed or discriminated against during that time?

***Is there something that you could do or change to avoid harm or discrimination?***

If you could take reasonable steps to modify your behaviour to avoid persecution, then you may not be eligible for resettlement. You are not expected to change things that are fundamental to your identity or conscience, such as your religious or political beliefs, or to stop practising your religion, or to hide your sexual orientation.

**State protection**

Will the authorities or police protect you against the harm or discrimination that you fear? If not, why not? If the government authorities in your country could protect you, then you may not be eligible for resettlement.

**Relocation**

The risk of harm or discrimination must exist in all parts of your country, not just your home area or areas where you have lived. If there is another part of your country that you could safely move to where you would not be harmed or discriminated against, then you may not be eligible for resettlement.

Can you move to another part of your country and live there without the problems you had before?

- NO? Explain why you would continue to experience problems if you moved to another part of the country.
- YES? If you could relocate to another part of your country, but it would be difficult, explain why it would not be safe for you to move. For example:
  - Do you have any relatives or connections elsewhere?
  - Is it difficult or dangerous to travel to other areas?
  - Are there dangers in other areas?

Are there any other personal circumstances that would make moving not safe for you? For example, your age, gender, disability, language barriers, ethnicity, religion, ability to find work.

**If you have left your home country, when and why you left your country**

Why did you decide to leave your home country when you did? How did you leave your country? For example:

- Why did you decide to leave?
- Did you use a passport?
- Did you pay a bribe?
- Why did you choose to go to the country where you are living?
- Did you have a visa for the country where you are living?
- Did you have difficulty leaving your country at border control?

**Other compelling reasons**

In addition to explaining the persecution or discrimination you will face, you must show that there are compelling reasons to give special consideration to grant you an offshore humanitarian visa including:

### **Connection with Australia**

- You should explain which relatives and friends you have living in Australia who are Australian citizens or permanent residents, and how they can financially, physically and psychologically support you. You can provide letters from them explaining their willingness to support you. If you have studied in Australia, worked for an Australian organization, or have any social connections to Australia, this should be explained here.

### **No other suitable country**

- If you have left your home country, explain why the country where you are living cannot provide for your settlement and protection. If you have a right to live in another country (citizenship or visa), you should also explain why that country cannot provide for your settlement and protection. You may not be considered for resettlement in Australia unless you can show that you would also face harm or discrimination in these countries. The Australian government may contact other countries to find out whether you have a right to go there or whether you have previously lived there or applied for visas to go there.

### **Capacity of the Australian community to provide for permanent settlement**

- If you have a sponsor, explain how they and/or other individuals or organisations in Australia can financially, physically and psychologically support you. You should also explain what you can bring to Australia, such as work/business experience or other ability to support yourself in Australia and English language skills.

## **Important tips**

**Chronological order:** Write your statement in the order that things happened, from the beginning to the end. This will make it easier for people to understand your story and for you to remember what you have written.

**Focus on your personal situation:** It is OK to describe the general problems in your country. However, your statement should not be used to provide detailed information about your country. Generally, your statement should be limited to what has happened to you, your family, or those in a similar situation to you.

**Family members:** If you are applying as a family, you should describe all the different types of harm or discrimination that could happen to each individual family member, including children. Different family members can have different fears of harm or discrimination.

**Previous applications:** If you have a sponsor or other family members who have made previous Australian visa applications, you should check your statement against those applications, as well as your own application, to make sure that they are consistent (for example, details of family members, details of your address history, and details of your problems).

## **Things to remember**

### **Tell the truth**

Do not exaggerate or make up events. This is a criminal offence. The Department of Immigration will check your claims against other information about your country. If you are found to have been dishonest about some parts of your story, the decision maker might not believe any part of your story and this may mean that you will not be granted an offshore humanitarian visa.

## Dates

Do not make them up. Consistency is important. Make sure the details about dates and events are the same throughout the statement.

## Supporting documents

Provide [certified copies](#) or colour scans and English [translations](#) of documents that support your claims. Take the originals to your interview.

## Getting help from RACS

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:

Service	Day	Time	Address/Number
Client Line	Monday to Friday	11AM to 1PM and 2PM to 4PM	(02) 8355 7227 or <a href="mailto:admin@racs.org.au">admin@racs.org.au</a>
Auburn Drop-in	Wednesday	Register in person from 10 AM to 12 PM	Visit 44A Macquarie Road, Auburn

**Please note:** This fact sheet contains general information only. It does not constitute legal or migration advice. This factsheet was prepared in October 2023.