

# FACT SHEET: GLOBAL SPECIAL HUMANITARIAN VISA, SUBCLASS 202

## THIS FACT SHEET IS RELEVANT TO YOU IF:

You are an Australian citizen, permanent resident or an eligible New Zealand citizen wishing to propose people to be resettled to Australia under the Offshore Refugee and Humanitarian Program (ORHP). This fact sheet is not intended to provide information on the Community Support Program (CSP) or Community Refugee Integration and Settlement Pilot (CRISP).

## WHAT IS THE OFFSHORE REFUGEE AND HUMANITARIAN PROGRAM?

Australia's ORHP provides permanent resettlement to people who are outside Australia and need protection due to conflict, persecution and human rights abuses. The Australian government allocates a number of visas each year and those granted a visa are referred for resettlement by the United Nations High Commissioner for Refugees (UNHCR) or have been proposed to be resettled in Australia.

## WHAT IS THE GLOBAL SPECIAL HUMANITARIAN VISA, SUBCLASS 202?

This visa is one of the five visas within the ORHP that provides resettlement to people who are outside their home country, have experienced **substantial discrimination** and have been proposed for resettlement to Australia.

### *What is substantial discrimination?*

Substantial discrimination is where a person has experienced conduct in their home country that amounts to a gross violation of their human rights including:

- arbitrary interference with your privacy, family, home or correspondence
- being deprived of all means of making a livelihood
- being forced to live in substandard dwellings
- being excluded from education
- being forced to give up normal social activities
- being constantly watched, or under pressure to be an informer
- removal of citizenship rights
- being denied a passport

## PROPOSERS FOR A GLOBAL SPECIAL HUMANITARIAN VISA, SUBCLASS 202

An Australian citizen, permanent resident and eligible New Zealand Citizen can propose people to be granted a visa and resettled to Australia. Proposers are required to support those granted a visa on their arrival to Australia, including meeting them at the airport and providing housing, financial and social support after their arrival. If you arrived to Australia by boat, you may not be eligible to be a proposer under the ORHP even if you are an Australian citizen or permanent resident.

If you (a proposer) were granted a visa under the ORHP and are seeking to be reunited with your **immediate family member/s** you may be able to apply under the **split family provisions**.

### ***Split family provisions***

When a proposer:

- was resettled under the offshore refugee program;
- had their visa granted less than five years ago;
- is seeking to be reunited with their immediate family member/s which they were separated from when their own visa was granted; and
- declared their immediate family members to immigration before their visa was granted,

they can apply to be reunited with their immediate family members under the 'split family' provisions.

The immediate family members can still be living in their home country, do not need to show they are subject to substantial discrimination, and they do not need to meet the four compelling reasons (see below).

There are no costs associated with the visa application and the Australian government will cover all the costs of the visa processing. When the proposer's immediate family members arrive, they will have full entitlement to government services such as Centrelink.

There are circumstances where these provisions may not be available. We recommend obtaining legal advice before proposing family members under the split family provisions.

### ***Immediate family members***

For the purposes of a split family application, an immediate family member is:

#### Spouse or de-facto partner

The proposer and visa applicant are in an ongoing committed relationship and are legally married or in a de-facto relationship.

#### Dependent child

Generally, a dependent child is a biological child or stepchild of the proposer. Dependent means a child below 18 or a child over 18 if they were wholly or substantially reliant on the proposer for financial, psychological or physical support when the proposer's visa was granted and when the child's visa is granted.

A dependent child is not considered to be an immediate family member if they are engaged, married in a de-facto relationship.

If a child is not the biological child of you or your spouse/de-facto partner and is adopted legally or through custom, we recommend seeking comprehensive legal advice about their eligibility to be considered a 'dependent child'.

#### Parent

If the proposer is under 18 years old, their parent is an immediate family member.

## VISA CRITERIA FOR A GLOBAL SPECIAL HUMANITARIAN VISA, SUBCLASS 202

In addition to being proposed by an Australian citizen, permanent resident or an eligible New Zealand Citizen, a visa applicant must be outside their home country where they are subject to substantial discrimination. They must also show that they met the four **compelling reasons** to be granted a Global Special Humanitarian visa, subclass 202.

### *Compelling reasons*

1. The degree of persecution (or discrimination) a person is subjected to within their home country;
2. The extent of connection a person has to Australia;
3. Whether or not there is any other suitable country which can provide permanent settlement and protection; and
4. The capacity of Australia to provide permanent resettlement.

Priority is given to visa applicants who are registered as Refugees with UNHCR.

Due to the number of visa applications lodged under the ORHP, most applications are refused. This is due to Australia not having capacity to provide the visa applicants permanent resettlement. Visa applicants are required to meet additional criteria such as character, health and security.

## HOW TO APPLY FOR A GLOBAL SPECIAL HUMANITARIAN VISA, SUBCLASS 202

**FORM 681** is completed by the proposer and contains information regarding the proposer's obligations to which they must agree.

**FORM 842** is completed by the visa applicant/s. It must contain a full and detailed residential address. It is important to complete the form correctly and with as much detail as possible.

An application should include:

- evidence that the proposer is an Australian citizen, permanent resident, or eligible New Zealand citizen and willing and capable of supporting the visa applicants in Australia;
- good quality copies of any identity documents available such as passports, national identity cards and birth certificates for all visa applicants;
- two passport photos for each applicant;
- UNHCR Refugee registration (if available); and
- any supporting evidence that the applicant has experienced substantial discrimination in their home country.

Unless applying under the split family provisions, the application must include reasons why the visa applicant needs protection. There are questions in Part G of Form 842 which ask the applicant to explain how they have experienced substantial discrimination and are at risk of harm in their home country. There is limited space on the form. If you wish to provide more information, you can include a statement from the applicant to include in the application.

Generally, you should include the following information:

- why did you leave your home country?

explain the events that led to you leaving your home country:

- What happened
  - When it happened
  - Where did it happen?
  - Who was harming or threatening to harm you?
- how did you leave your home country and when?
  - why do you fear returning to your home country?
  - what do you believe will happen to you or the people included in your application if you were to return home?
  - who do you think may harm or mistreat you if you go back?
  - do you think the authorities in your home country can and will protect you? If not, why not.

Provide as much detail as possible about what happened to the visa applicant. Do not include general information about the security in the home country. Home Affairs will check information provided with any other relevant visa applications. Therefore, it is important that all the information provided is true and correct.

#### ***Lodging the application***

There is no application fee to lodge a Global Special Humanitarian visa, subclass 202. The application forms and supporting documents can be sent to Home Affairs either by post, courier or uploading the documents to the online lodgement portal.

##### Post

Special Humanitarian Processing Centre  
Department of Home Affairs  
GPO Box 9984  
SYDNEY NSW 2001

##### Courier

Special Humanitarian Processing Centre  
Department of Home Affairs  
Level 3 26 Lee Street  
Sydney NSW 2001

##### Online

Home Affairs online portal – Refugee and Humanitarian visa lodgement

## **AFTER YOU HAVE LODGED AN APPLICATION**

Home Affairs will send an acknowledgement of the application which will include a file number. Ensure you update Home Affairs of any changes in circumstances, such as if the proposer or applicant contact details change or there is a change in the family composition (deaths, marriages, birth of children).

If the application is refused, you cannot appeal the decision to the Administrative Appeals Tribunal. If you wish to re-apply for your family, we recommend you seek legal migration advice before lodging another application.

There may be alternative visa options available for family members other than a refugee and humanitarian visa. We recommend seeking professional legal migration advice before lodging a visa application. Advice can only be provided by suitably qualified people; these are Lawyers and Registered Migration Agents.

**This fact sheet was published in August 2023.**

Please note: This fact sheet only contains general information. It is not legal advice and should not be relied on as a substitute for legal advice. You may wish to seek advice from a lawyer regarding your own particular circumstances. We are not responsible for any consequences arising from your use of, or reliance on, the information contained in this fact sheet. Further information about our disclaimer and your use of this fact sheet can be found here: <https://circlegreen.org.au/disclaimer/>.