

FACT SHEET: IN-COUNTRY SPECIAL HUMANITARIAN VISA, SUBCLASS 201

WHAT IS THE OFFSHORE REFUGEE AND HUMANITARIAN PROGRAM (ORHP)?

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 set number of visas each year and those who are successful are granted a sub class 200, 201, 202, 203 or 204 visa. Most 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 IN-COUNTRY SPECIAL HUMANITARIAN VISA, SUBCLASS 201?

This visa is one of the five visas within the ORHP that provides resettlement to people who are **living in** their home country, but who are in particular danger if they stay there and wish to be resettled to Australia.

HOW DOES AUSTRALIA USE THE 201 VISA?

Whilst this visa is one of the five visas within the ORHP, they are generally only granted in special circumstances. For example, Australia used this visa to resettle people who worked with Australians whilst they were in Iraq and Afghanistan.

Iraq: those who applied before December 2009 and were either employed by the Australian Embassy in Baghdad or worked with the Australian Defence Force between 2003-2009.

Afghanistan: those who were at risk of harm because of their work in Afghanistan and were 'Locally Engaged Employees' who registered their interest in being resettled due to their work for:

- the Australian Department of Foreign Affairs and Trade
 - the Australian Defence Force
 - the Australian Agency for International Development
 - the Australian Federal Police
1. in Uruzgan as interpreters, instructors, project managers or advisors

The special use of this visa is in the final stages and most people who Australia have processed have been resettled to Australia now.

The other people who have been resettled under this visa have mostly been people who UNHCR has referred to Australia.

WHAT IF I HOLD A 201 VISA, CAN I BRING MY FAMILY TO AUSTRALIA?

If you hold a 201 visa, you are a permanent resident of Australia and can propose family to be resettled in Australia.

If you wish to bring your **immediate family**, for example your wife or children, we recommend you read our **split family** fact sheet. However, in addition to the criteria for an application under split family conditions, your family are required to meet the four compelling reasons.

WHAT ARE THE FOUR COMPELLING REASONS?

The four compelling reasons to be granted a In-Country Special Humanitarian visa, subclass 201, are:

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.

WHAT ARE THE CHANCES OF SUCCESS OF MY FAMILY BEING GRANTED A 201 VISA?

The chances of success in being granted this visa is extremely low unless your family have been referred to Australia for resettlement or you are applying for your immediate family members under the **split family** provisions.

DO I NEED TO PROPOSE MY FAMILY TO BE CONSIDERED FOR A 201 VISA?

No, this visa does not need an Australian citizen, permanent resident or eligible New Zealand citizen to support an application by being a proposer of their humanitarian visa application. If you wish to be a proposer, you will need to complete a [FORM 681](#).

HOW TO APPLY FOR A IN-COUNTRY SPECIAL HUMANITARIAN VISA, SUBCLASS 201

[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.

There are questions in [Part G](#) of Form 842 which ask the applicant to explain why they are at risk. 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.

[FORM 842](#) includes information about the form and application process. It also contains a document checklist.

If you wish to propose to your family members, you must also complete a [FORM 681](#) which contains information regarding your obligations to support your family if they are successful with their application.

LODGING AN APPLICATION FOR A 201 VISA

There is no application fee to lodge an application. How you lodge an application for a 201 visa is dependent on whether you are proposing your family by including a [FORM 681](#)

Lodging with a proposer (FORM 842 and FORM 681)

The application forms and supporting documents can be sent to Home Affairs either by:

1. Post

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

2. Online

Submitting the application online through the Home Affairs humanitarian visa application portal <https://www.homeaffairs.gov.au/humvisaapplication>

Lodging without a proposer (FORM 842 ONLY)

The application forms and supporting documents **must** be lodged at a diplomatic, consular or migration office maintained by or for the Commonwealth and **located outside Australia**.

To find the office for your family's application, use this link from the Home Affairs website:

<https://immi.homeaffairs.gov.au/help-support/contact-us/offices-and-locations/lodging-an-application-ref-and-hum-visas>

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 Review 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.

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