

OVERVIEW: OFFSHORE REFUGEE & HUMANITARIAN VISA – APPLICATION UNDER SPLIT FAMILY PROVISIONS

WHAT IS A SPLIT FAMILY APPLICATION?

Australia's Offshore Refugee and Humanitarian Program (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.

If you have been granted an ORHP visa and your family members are still overseas, you may be able to propose them for an ORHP visa under the 'split family provisions'.

WHICH FAMILY MEMBERS CAN BE PROPOSED UNDER THE SPLIT FAMILY PROVISIONS?

Only **immediate family members** can be proposed to live in Australia under the split family provisions, these are:

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, or in a de-facto relationship.

Your immediate family members must have been declared in your visa application and members of your family when your visa was granted. For example, if you married after you arrived in Australia or after your visa was granted but before you arrived in Australia, your spouse would not be eligible for a visa under the split family provisions.

WHAT ARE THE BENEFITS OF MAKING AN APPLICATION FOR AN ORHP VISA UNDER THE SPLIT FAMILY PROVISIONS?

- There is no visa application fee to lodge an application. All costs of the application will be covered by the Australian government such as their medical examinations and flights to Australia (except those whose proposer holds a sub class 202 visa). However, there may be some costs which you would need to pay, for example if any documents need to be translated, or if the family need to travel to complete visa processing requirements such as medical examinations.

- The visa applicants can live inside or outside their home country. However, all the applicants who are included on an application as your immediate family members must live together.
- Applications under split family provisions are considered highest priority for processing within the ORHP. Therefore, their application should be processed quicker than other ORHP applications.

However, the processing time may be longer than a family stream visa which the applicants may also be eligible to apply for. We recommend you seek 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.

IF I APPLY FOR MY FAMILY AND THEY MOVE TO ANOTHER COUNTRY, ARE THEY STILL ELIGIBLE FOR A VISA UNDER SPLIT FAMILY PROVISIONS?

Yes, it does not matter where your family is as long as they are not in Australia. If your family move, it is important that you update their address and contact details with Home Affairs.

You can contact Home Affairs by email shp.enquiries@homeaffairs.gov.au or use the online 'update contact details' form. You will need your family's visa application file number.

DO I HAVE TO LODGE AN APPLICATION FOR MY FAMILY WITHIN A CERTAIN PERIOD OF TIME TO BE ABLE TO ACCESS THE SPLIT FAMILY PROVISIONS?

Yes, you must lodge an application for your immediate family members **within 5 years** of your visa being granted. It is important to be aware of the correct date as your visa may have been granted several weeks or even months before you were resettled and arrived in Australia.

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