

How can I bring my refugee family here?



Refugee
Service

Legal Aid 
NEW SOUTH WALES

About the Refugee Service

The Refugee Service is a specialist service of Legal Aid NSW. Our lawyers assist refugee clients and communities with problems like immigration, housing, Centrelink, debts, separation and divorce. Our service is free and confidential. See page 15 for how to contact us. This book shows you how to apply to bring your family to Australia.

Can I bring my refugee family to Australia?

You can ask to bring your family to Australia by applying for a refugee visa for them through the Australian Government's Refugee and Humanitarian Program.

You can do this if:

- you are an Australian permanent resident or Australian citizen, and
- your family:
 - is outside their home country, and
 - there is no other country where they can live safely and permanently.

If they are in their home country and there is no other country where they can live safely and permanently, you can make a 'split family' application. We tell you what a 'split family' application is on page 11 of this brochure.

Applications for a refugee visa are made to the Department of Home Affairs. We call them Home Affairs in this book.



Step 1

Get identity documents and photos of the people who want to apply for a visa

You need:



- One passport style photograph of each family member who is included in the application.
- Certified copies of any identity documents your family has. For example:



- Passports
- Birth certificates
- Identity cards
- Citizenship documents
- Marriage certificates
- Death certificates



A certified copy means that a lawyer or another person who is authorised must look at the original document and then write on the photocopied document that it is a true copy. Documents can be certified overseas or in Australia. If it is hard to get this done, don't worry. Just include a copy of the document.



Documents that are not in English must be translated. The documents can be translated overseas or in Australia.



If a family member has no documents, they need to explain why they don't have any documents. They might have lost them, or had them stolen, or maybe they were never issued any documents in their own country. This is not a problem but you just need to explain why they have no documents. Even if they do not have documents, you can still make the application for the visa.



If your family is registered with the UNHCR, Red Cross, Red Crescent, or International Organisation for Migration (IOM), you should get a copy of that registration as well and include it with the application.



Step 2

Fill out the forms to apply for a visa



The forms you need are:

Form	Who should sign it
Form 842	Your family overseas
Form 681	You. Or, if your family has a closer relative who is an Australian permanent resident or citizen, that person.

You can get these forms from:



<https://immi.homeaffairs.gov.au/form-listing/forms/842.pdf>

<https://immi.homeaffairs.gov.au/form-listing/forms/681.pdf>

Do not use old forms.



You must complete the forms in English. If your family writes their answers in their own language, you must have the answers translated. If your English is good enough, you can do this translation yourself. You don't need to get an official translation.





Step 3

Get each adult family member to write a statement about their problems in their country



If only one person has a problem, then just that person needs to write a statement. The written statement is the story of the problems your family had in their home country, what they are afraid of in their country, and why they cannot return safely.



It may seem obvious why they would not be safe. But it is important to give details because Home Affairs uses the statement to work out how quickly to decide the application and whether to give your family a visa.



They can write the statement in their own language and then get it translated into English. You can translate it yourself. You don't need an official translation.

The statements should say:

What problems they had in their country.

- When the problems started.
- What happened to them and who caused the harm to them.
- How they were harmed.
- Did they ask for help from the authorities or police in their country? If they didn't ask for help, why not?

The statements must:

- talk specifically about them, and not the general problems in their country, and
- give detailed descriptions of names, places and times.

What they are afraid would happen if they went back to their own country.

This part of the statement is very important, particularly if they have been outside their country for a few years. It is important that Home Affairs understands why they would be at risk of harm if they returned.

They must describe every different type of possible harm that could happen to them in the future.

If they fear more than one thing happening, they must describe each thing that might happen.

This is a very important part of their statement. If they don't tell Home Affairs what will happen to them if they go back to their own country in lots of detail it makes it hard to get a visa. It is not enough to just say that it will be hard for them because they have no home, or no money, or there are no jobs.

Who will harm them.

Your family must give details of all the people they think will harm them. For example, if they fear harm from:

- a militant or religious group, they need to say the name of the group.
- individuals, they need to say their names.
- a few different groups or individuals, they should name all of them.

Why they will be harmed.

The statements also need to say why these people will want to harm them. They should say if the reasons they will be harmed are because of their nationality, ethnicity, religion, political opinion or some other reason.

If it is the government of their country that will harm them, they should say why the government will harm them.



Step 4

Make sure everything is correct before you send it to Home Affairs



If you can, get at least the statements checked by an immigration lawyer before you send the forms to the Department of Home Affairs.

The Refugee Service at Legal Aid NSW can give you free and private legal advice but we cannot check your forms.

We can talk to you about what you need to put into the statement to be included with the application (Step 3) to make sure you include everything that is relevant. See page 15 for our contact details and how to make an appointment to see us.

Step 5

Make copies of all your documents



Keep a copy of the application and all the documents that go with it.





Step 6

Apply for the visa



Send the application and documents to:

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



You can also apply for this visa online but only if everyone included in the application has a passport photograph that they can electronically attach to the application.

Go to <https://immi.homeaffairs.gov.au>



If you do decide to apply online, follow the instructions to complete the online application and upload your completed forms, documents and photographs. Then click the 'Submit' button.



Checklist

- Step 1:** Get identity documents and photos.
- Step 2:** Fill out the forms to apply for a visa.
- Step 3:** Get each adult family member to write a statement.
- Step 4:** Check that the application is complete and everything is attached.
- Step 5:** Make copies of all your documents.
- Step 6:** Apply for a visa by post or online.



What is a 'split family' application?



You can ask to bring your husband, wife, partner or dependent children (or if you are under 18, your parents) to Australia through the split family program if you were given a refugee, humanitarian or protection visa in the last five years, and:

1. your husband, wife, partner, children, or parent (if you're under 18) are still living in their home country, or living outside their home country, and
2. you told the Department of Home Affairs about your family BEFORE you got your own visa.

To apply for this type of visa, you use the same forms (681 and 842), but you need to say it is a 'split family' application on the Form 842.

There is a question on the form that asks if this is a split family application and you need to tick 'Yes'.

For these applications, your family does not have to write their statement about what might happen to them and why they are a refugee. They do not have to prove that they are a refugee. They just need to prove they are related to you, and that you told Home Affairs about them BEFORE you got your own visa.

Other things to know



How much will it cost?

There is no application fee for a visa. If your family get a visa, you may have to pay for the airplane tickets if you have sponsored them.



What will happen when the Department of Home Affairs gets the application?

They will send you a letter saying they have the application. That letter will have a file number. It is important to keep this file number because if you have to follow up Home Affairs you need to use this file number so they can find the application.

If you don't get a letter within three months, send an email to shp.enquiries@homeaffairs.gov.au asking what is happening with the application. Give the name and date of birth of the applicant in the email so that they can find the application.



How long will it take?

Applications can take many years – generally about two years.



Will my family get a visa?

Not everyone will get a visa. The Government only gives a small number of refugee visas each year. Your family might not get a visa.



If you are worried about how long it is taking

You can:

- ask the Department of Home Affairs if the application is still in Australia or if they have sent it to the embassy nearest to your family for further processing.
- contact your local Federal Member of Parliament (MP) if it has been more than 12 months since you sent the forms. You can look up your local MP by putting in the postcode where you live at www.aph.gov.au/Senators_and_Members/Members

You can call Home Affairs on **13 18 81** or email them at shp.enquiries@homeaffairs.gov.au. You will need the file number so that they can find the application.



You will need to tell the Department of Home Affairs if anything changes

If any answers to the questions you gave on the forms change, you need to tell the Department of Home Affairs.

Some changes might be if:

- you or your family overseas change address
- someone included in the application has a baby, or
- your family receive new threats from people or groups who wish to harm them.

You can tell Home Affairs about any changes by emailing them at shp.enquiries@homeaffairs.gov.au.



Important! You should talk with an immigration lawyer before you use this information if:

- you came to Australia by boat and you hold an 866 visa
- your family are living safely in another country, or
- your family have been refused a visa before.



Where can I see a lawyer?



You can get free help from a lawyer at the Refugee Service.

Phone: **02 8713 6725**

Email: refugeeservice@legalaid.nsw.gov.au

We can make a time to speak to you either face to face or over the phone.



If you need an interpreter, call **13 14 50**, ask for the language you want and then give them the Refugee Service number. This is a free service.



What to bring to your appointment?

- Passport, ImmiCard or travel document
- Centrelink health care card or pension card
- NSW photo identity card
- Any letters from the Department of Home Affairs
- Copies of any visa applications you have made for your family



If you need to cancel your appointment

If you can't come to the appointment, contact the Refugee Service on **02 8713 6725** to let us know as soon as you can.

Where can I get more information?



You can get more information about Australia's refugee and humanitarian program at www.homeaffairs.gov.au.



This publication is a general guide to the law. You should not rely on it as legal advice, and we recommend that you talk to a lawyer about your situation.

The information is correct at the time of printing, however it may change. For more information contact LawAccess NSW on **1300 888 529**.

This brochure is available in Arabic, Dari/Farsi, Burmese and English.



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For more information, visit: www.legalaid.nsw.gov.au

Do you need help to contact us?



If you need an interpreter, call the Translating and Interpreting Service (TIS National) on **131 450** (9am–5pm) and ask for LawAccess NSW.

Do you find it hard to hear or speak?



If you are deaf, or have a hearing or speech impairment, contact us through the [National Relay Service \(NRS\)](#). Ask for LawAccess NSW on **1300 888 529**.