

Protection Visas

Who are protection visas for?

A person who **ARRIVES IN AUSTRALIA WITH A VALID TEMPORARY VISA** and fears returning to their country can apply for a protection visa (Subclass 866).

The government must give you protection if you can show the Department of Home Affairs you meet the legal definition of '**REFUGEE**' - that means that if you go back to your country:

1. There are good reasons to believe you will suffer persecution or serious harm
2. because of your race, religion, nationality, political opinion or membership of a social group and
3. the authorities of that country won't or can't protect you and
4. there is no area within your country where you can be safe.

If you don't fit the refugee definition you will be assessed for **COMPLEMENTARY PROTECTION** – this is given if you show you will suffer significant harm if returned to your country but the reason you are at risk doesn't fit into one of the five reasons of refugee protection.

You must also prove there is no other safe country in which you can live, and that you haven't done any serious crimes.

If you prove you are owed protection in this way AND you also pass character and security checks you can get a permanent protection visa (Subclass 866).

It is difficult to qualify for protection. Most applications are refused. You should apply as early as possible after arriving in Australia and always get advice from a lawyer or migration agent with experience in protection visas before you apply.

People who arrive in Australia **without** a valid temporary visa and fear returning to their home country cannot apply for a permanent protection visa. They should get legal advice about their options.



Applying for a protection visa

Applying for a protection visa is a significant step and if your application is refused, it can reduce your options to stay in Australia. If you have had legal advice and understand your options, you can apply using an ImmiAccount. RAILS has a factsheet to show you how to create an ImmiAccount.

It is important that you provide very detailed information about your reasons for needing protection, what harm you experienced in the past and why Home Affairs should decide you will be at risk in the future.

If your application does not include enough evidence or details of your protection claims, Home Affairs will refuse your application. It is also important that all the information in your application is consistent with what you have told Home Affairs before. This includes information about international travel, where you have lived, who your family members are and what work and education you have done.

There is an application fee of \$50, which you will need to pay when you submit the application.

After your application is lodged

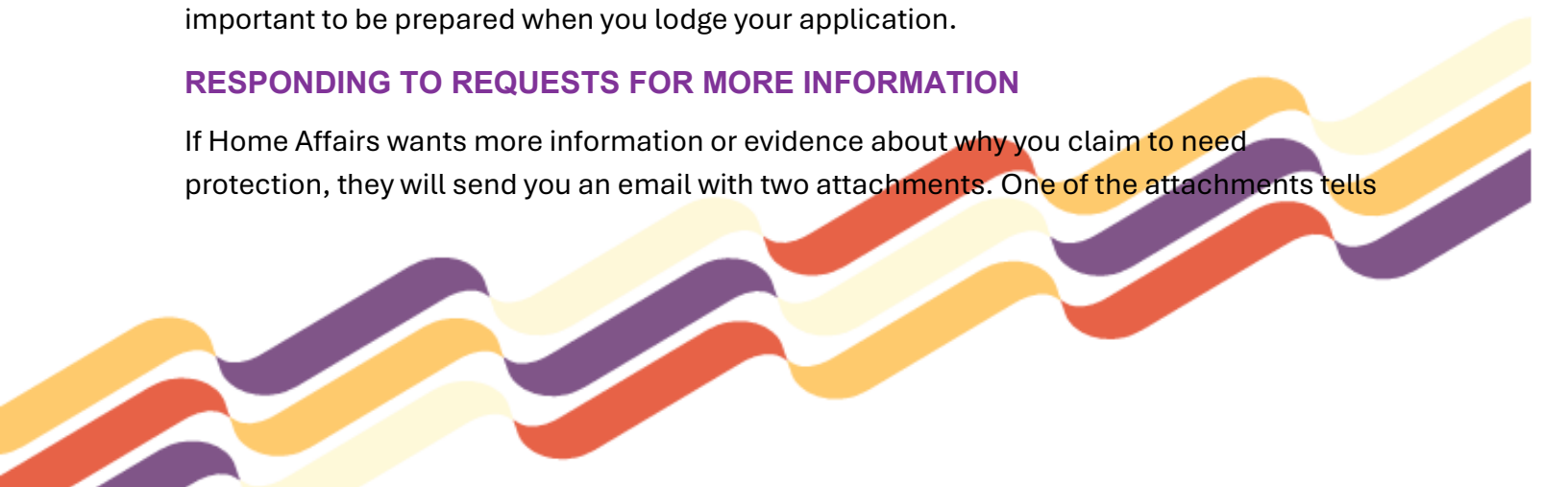
After your application is lodged, Home Affairs will send you an email that confirms that your application has been received.

You will then get an email about a **BIOMETRICS APPOINTMENT. YOU MUST GO TO THIS APPOINTMENT** at Home Affairs. Someone will take your photograph and your fingerprints. If you do not provide biometrics, your application will be invalid and you will have to apply again.

Some weeks or months later, you may get another email asking you for more information about your protection claims. Home Affairs is currently inviting applicants from certain countries to provide extra information very soon after their application is lodged, so it is important to be prepared when you lodge your application.

RESPONDING TO REQUESTS FOR MORE INFORMATION

If Home Affairs wants more information or evidence about why you claim to need protection, they will send you an email with two attachments. One of the attachments tells



you the due date – you must send all your answers and evidence by that date. The other attachment will usually be a long list of things Home Affairs wants to know more about.

It is important that you work through the long list and answer all of their questions. Think about whether you can also provide other evidence to show that your answers are true and your risk of harm is real.

You should ask a lawyer to help you respond to the request. If you want help from a free service like RAILS, it is important to contact us as soon as you get the email from Home Affairs. If you contact us too close to your deadline, we are less likely to be able to help you.

INTERVIEWS

Sometimes Home Affairs will invite you to a video interview with a Case Officer. You should do the interview and get legal advice beforehand. The Officer will ask many questions to check your identity, your credibility (whether you are telling the truth) and your refugee claims.

If you get any new information or evidence to support your claims, you can submit it to Home Affairs before the interview or any time before a decision is made.

What happens next?

After you have provided all the information Home Affairs needs to decide whether or not you qualify for protection, they will do health, character and security checks.

You will then receive a letter saying that your visa has been granted or refused. If it is refused, the letter will include the reasons the Home Affairs officer did not agree that you qualify for protection in Australia.

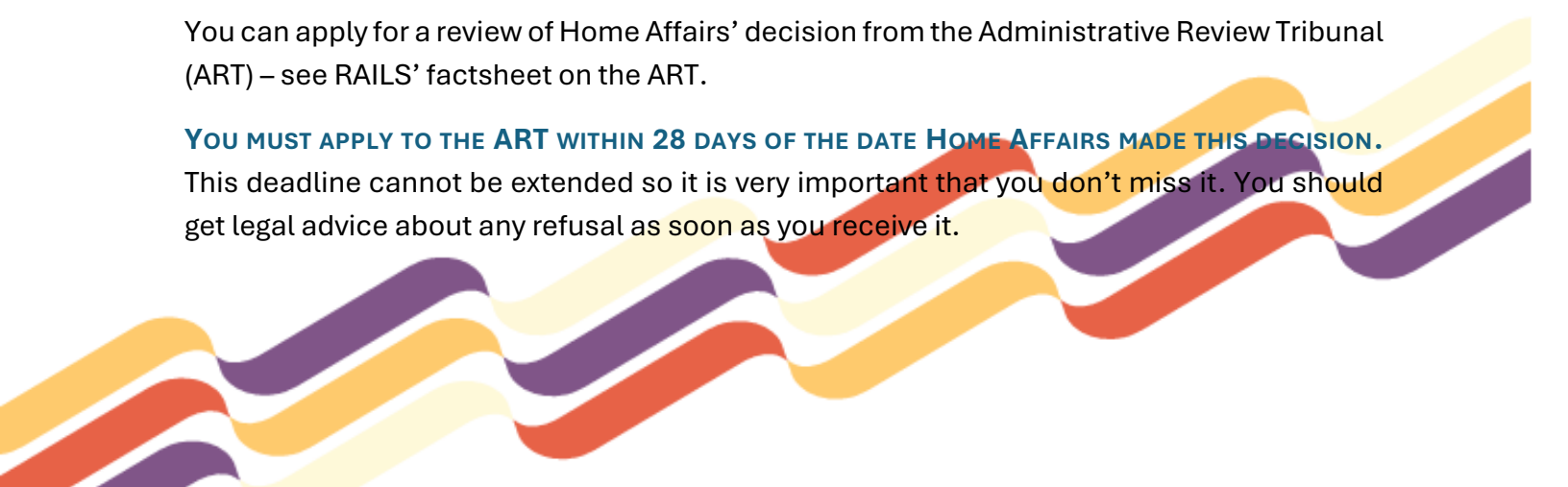
What if your application is refused?

If your application is refused, you will not be able to apply for many other visas in Australia.

You can apply for a review of Home Affairs' decision from the Administrative Review Tribunal (ART) – see RAILS' factsheet on the ART.

YOU MUST APPLY TO THE ART WITHIN 28 DAYS OF THE DATE HOME AFFAIRS MADE THIS DECISION.

This deadline cannot be extended so it is very important that you don't miss it. You should get legal advice about any refusal as soon as you receive it.



Where to go for help

The community legal centres below provide free legal advice and assistance in relation to protection visas.

State	Service	Website
<i>Queensland</i>	Refugee and Immigration Legal Service (RAILS)	rails.org.au
<i>New South Wales</i>	Refugee Advice & Casework Service (RACS)	racs.org.au
<i>Victoria, South Australia, Northern Territory</i>	Refugee Legal	refugeelegal.org.au
<i>Tasmania</i>	Tasmanian Refugee Legal Service	trls.org.au
<i>Western Australia</i>	Circle Green	circlegreen.org.au

This factsheet is general information not legal advice. You should always speak to a lawyer before applying for a visa, sponsoring someone or doing anything that might affect your immigration status. Last updated 20 August 2026.

