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| Visa types for newly arrived and culturally diverse families |
| CHILD PROTECTION INFORMATION SHEET  |

This visa information sheet aims to support Child Protection staff in working with newly arrived and culturally diverse families. While there are many visa types available, the following are some of the most likely to be encountered when working with newly arrived communities. Further visa information is available at the Department of Home Affairs’ website at: <http://www.homeaffairs.gov.au>. Please see hyperlinks to all visa types at the end of this information sheet. Alternatively, contact the DHHS **Refugee Minor Program – Cultural Engagement Team** on 8608 5700 for information, advice and referral.

# Refugee and humanitarian visas

\*\*\*Sometimes the same visa may be called by two different numbers. For example the Orphan Relative visa may be called a 117 or a 837. The numbers simply denote where the application for the visa came from: a 117 means the application was made by someone living **outside of** Australia, while a 837 means the same visa was applied for by someone **already living** in Australia.

[Refugee Visa (200)](https://www.homeaffairs.gov.au/trav/visa-1/200-)This visa is for people who are subject to persecution in their home country and are in need of resettlement. The majority of applicants who are considered under this category are identified by the United Nations High Commissioner for Refugees (UNHCR) and referred to the Australian Government for resettlement consideration​. People on this visa may apply for Australian permanent residency and citizenship.

[In-country Special Humanitarian Program Visa (201)](https://www.homeaffairs.gov.au/trav/visa-1/201-)This visa covers the resettlement of people who have suffered persecution in their country of nationality or usual residence and who are still living there and have not been able to leave that country to seek safety elsewhere. People on this visa may apply for Australian permanent residency and citizenship.

[Global Special Humanitarian Program Visa (202)](https://www.homeaffairs.gov.au/trav/visa-1/202-)This visa is for people who, while not being refugees, are subject to substantial discrimination and human rights abuses in their home country. People who have a 202 will have been proposed or sponsored for entry to Australia by an Australian citizen or permanent resident over the age of 18, an eligible New Zealand citizen or an organisation operating in Australia. People on this visa may apply for Australian permanent residency and citizenship.

[Emergency Rescue Visa (203)](https://www.homeaffairs.gov.au/trav/visa-1/203-)**.** This visa provides an accelerated processing arrangement for people who satisfy refugee criteria and whose lives or freedom depend on urgent resettlement. It is for people subject to persecution in their home country and assessed to be in a situation such that delays due to normal processing could put their life or freedom in danger. People on this visa may apply for Australian permanent residency and citizenship.

[Woman at Risk Visa (204)](https://www.homeaffairs.gov.au/trav/visa-1/204-)This visa is for female applicants, and their dependents, who are subject to persecution or whose circumstances are of concern to the United Nations High Commissioner for Refugees (UNHCR), are living outside their home country without the protection of a male relative and are in danger of victimisation, harassment or serious abuse because of their gender. The majority of applicants who are considered under this category are identified and referred to the Australian Government by the UNHCR. The woman can live and work in Australia indefinitely, can apply for citizenship and have access to Medicare.

# Child related Visas

## **Orphan Relative Visa (117 or 837)** This visa is for a child whose parents are either deceased, permanently incapacitated or of unknown whereabouts. The child must have an Australian relative who is their brother, sister, grandparent, aunt, uncle, niece or nephew to care for them. The child must be sponsored by either their Australian relative or that relative's current cohabiting spouse or de facto partner. The Australian relative, or their spouse or de facto partner, must be an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen who is aged over 18 years and must be settled in Australia. The child must be under 18 years of age at the time they apply for the visa, and must not have a spouse or de facto partner.

Remaining Relative Visa (115 or 835)This visa allows a young person (or adult) to live in Australia as a permanent resident and to be sponsored by family members who are already resident in Australia. The sponsor is required to give an ‘assurance of support’ for two years. This visa is capped and queued.

\*\*\* Practice note regarding **Orphan Relative visas and Remaining Relative visas**: During the initial two years a child or young person is sponsored on either of these visas they are financially wholly dependent upon their sponsor. They are not eligible for their own health care card for two years after arrival, nor Centrelink benefits for the same time, nor humanitarian settlement services. While most sponsors are willing and capable of caring adequately for the child or young person, these visas may leave children and young people especially vulnerable if the relationship with the carer breaks down.

Child Visa (802 also known as BT-802) This visa allows a natural or adopted child under 18 (or to 25 if a full-time student) to be sponsored by a parent/guardian to live in Australia permanently. This visa also applies to young people aged over 18 who have a disability AND are dependent upon their sponsor for care. Please see the *Measures for the Protection of Children* notes related to this visa on the DOHA website. It may be possible that the department may consider applying for this type of visa for a young person under its care however this should be considered on a case by case basis and specialist legal advice should be sought.

Adoption Visa (102) This visa relates to children who have been adopted, or are in the process of being adopted from outside Australia, to enable them to live in Australia with adoptive parents[s]. Please note that there are separate processes for visas for children from Pakistan. If an adoption is not recognized as final, the child may be found to have no legal guardian and come under the care of the Minister for Home Affairs. These children and young people will be cared for under the *Immigration and Guardianship of Children Act 1984* (IGOC Act). Children and young people on 102 visas and some children on refugee visas may on occasion require the protections available under the *CYFA 2005* even though they are under the care of the Minister for Home Affairs. For technical details related to this please contact your Principal Practitioner, CPLO or the Refugee Minor Cultural Engagement Team (details below).

Prospective Marriage Visa (300) This visa lasts for nine months only and allows the holder to come to Australia to marry a prospective spouse. There are a number of important criteria which must be met for the granting of this visa: the applicant and their spouse MUST know and have met each other in person since both turning 18, not be related, not be married to anyone else, intend to live as spouses after the marriage and intend to marry within the nine months that the visa is granted.

Permanent Partner Visa/Temporary Partner Visa (820 and 801)This visa allows the partner or spouse of an Australian citizen, Australian permanent resident or eligible New Zealand citizen to live in Australia. The Temporary Partner visa (820) is granted first and lets the person stay in Australia while the Permanent Partner Visa (801) is processed.

Safe Haven Enterprise Visa (790)This visa covers refugees and asylum seekers who have arrived in Australia unlawfully. It ensures that the visa holder can remain for up to **five** years in Australia. Otherwise all conditions are the same as the Temporary Protection Visa (785) described below.

Temporary Protection Visa (785)This visa is assessed under refugee and humanitarian criteria. It covers refugees and asylum seekers who have arrived in Australia unlawfully. This visa ensures the person can remain for up to **three** years and can work, study, access Medicare and Centrelink and access short-term counselling for torture and trauma. The visa holder cannot sponsor their family members to relocate permanently to Australia nor can they apply for Australian citizenship.

Permanent Protection Visa (866)This visa is granted when a person has arrived in Australia on a valid visa but requires protection from return to their home country. The applicant must satisfy health, security and character assessments but may then become a permanent resident of Australia and apply for citizenship.

# Bridging Visas.

Bridging Visa A (BVA 010). This is a temporary visa which enables the holder to remain in Australia while their application for another visa is being processed. While on a BVA the holder of the visa cannot leave Australia and return on this visa. Each family member must apply separately for a BVA.

Bridging Visa E (BVE 050 and 051). Both Bridging visas: 050 (General) and 051 (Protection Visa) mean that the holder can only stay in Australia for a short time as they have been assessed as an ‘unlawful non-citizen’ or that another immigration determination is being assessed. Generally these two visa types allow a person to remain in Australia while they make plans to leave or to finalise an immigration matter or to await an immigration decision. Both visas can include the visa holder’s family members.

# Training and Education Visas.

Training Visa (407)This visa allows a person to be in Australia for training and professional development activities for up to two years. The visa holder must be sponsored by a Commonwealth government agency or nominated by another agency or department. The visa holder must be at least 18 years old.

Student Visa (500)This visa allows holder to study in Australia. It is available to a person aged at least six years old who has been accepted into an educational institution and the person must have health insurance. The visa is valid for up to five years.

Student Guardian Visa (590)**.** This visa allows the holder to come to Australia to care for a student already here who needs support due to exceptional circumstances. The Guardian must be aged over 21, able to provide accommodation, support and be a parent or relative of the student. The Guardian cannot work while in Australia and the visa is for five years.

Additional Information: hyperlinks

[Adoption visa (subclass 102), Department of Home Affairs](https://www.homeaffairs.gov.au/trav/visa-1/102-)

[Bridging visa A - BVA - (subclass 010), Department of Home Affairs](https://www.homeaffairs.gov.au/trav/visa-1/010-)

[Bridging visa E – BVE (subclass 050-051), Department of Home Affairs](https://www.homeaffairs.gov.au/trav/visa-1/051-)

[Child visa (subclass 802), Department of Home Affairs](https://www.homeaffairs.gov.au/trav/visa-1/802-)

[Orphan Relative visa (subclass 117), Department of Home Affairs](https://www.homeaffairs.gov.au/trav/visa-1/117-)

[Orphan Relative visa (subclass 837), Department of Home Affairs](https://www.homeaffairs.gov.au/trav/visa-1/837-)

[Partner visa (subclasses 820 and 801), Department of Home Affairs](https://www.homeaffairs.gov.au/trav/visa-1/801-/Partner-visa-%28subclasses-820-and-801%29-document-checklist)

[Prospective Marriage visa (subclass 300), Department of Home Affairs](https://www.homeaffairs.gov.au/trav/visa-1/300-/Prospective-Marriage-visa-%28subclass-300%29-document-checklist)

[Protection visa (subclass 866), Department of Home Affairs](https://www.homeaffairs.gov.au/trav/visa-1/866-)

[Refugee and Humanitarian Programme, Department of Home Affairs](https://www.homeaffairs.gov.au/trav/refu)

[Offshore - Resettlement](https://www.homeaffairs.gov.au/trav/refu/offs)

[Protection visas](https://www.homeaffairs.gov.au/trav/refu/onsh)

[ImmiCards](https://www.homeaffairs.gov.au/trav/refu/immi)

[Remaining Relative visa (subclass 115), Department of Home Affairs](https://www.homeaffairs.gov.au/trav/visa-1/115-)

[Remaining Relative visa (subclass 835), Department of Home Affairs](https://www.homeaffairs.gov.au/trav/visa-1/835-)

[Safe Haven Enterprise visa (subclass 790), Department of Home Affairs](https://www.homeaffairs.gov.au/trav/visa-1/790-)

[Student Guardian visa (subclass 590), Department of Home Affairs](https://www.homeaffairs.gov.au/trav/visa-1/590-)

[Student visa (subclass 500), Department of Home Affairs](https://www.homeaffairs.gov.au/trav/visa-1/500-)

[Temporary Protection visa (subclass 785), Department of Home Affairs](https://www.homeaffairs.gov.au/trav/visa-1/785-)

[Training visa (subclass 407), Department of Home Affairs](https://www.homeaffairs.gov.au/trav/visa-1/407-)

General Information: [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au)

**For help or further information please contact**:

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