



Application for a Protection (Class XA) visa

Form 866

A

Part A

- Explanatory notes on how to apply for a Protection visa
- Additional information for an applicant in detention

B

Part B

- Application form to show each person included in this application and family composition

C

Part C

- Application form for each person included in this application who wishes to submit their own claims for protection

D

Part D

- Application form for each person who is to be included in the application but does not wish to submit their own claims for protection

Other forms required for this application

Form 80

- Form 80** *Personal particulars for character assessment*
- Required by applicants who are 16 years of age or over

Form 26

- Form 26** *Medical examination for an Australian visa*
- All applicants are required to undergo a medical examination

Form 160

- Form 160** *Radiological report on chest x-ray of an applicant for an Australian visa*
- Required by all applicants over 11 years of age

If you wish to appoint a migration agent, they should complete form 956 *Advice by a migration agent/exempt person of providing immigration assistance* which you will need to sign.

Note: If more than one person is to be included in this application, they will need to complete more forms.

If they are a dependant **with no claims** please fill out a Part D, form 80, form 26, and form 160 if applicable.

If they are a dependant **with claims** please fill out a Part C, form 80, form 26 and form 160 if applicable.

Forms are available from www.immi.gov.au/allforms/ or from any office of the Department of Immigration and Citizenship.

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Australian Government
Department of Immigration
and Citizenship

How to apply for a Protection (Class XA) visa

Form
866A

Important – Please read this information carefully before you complete your application. Once you have completed your application we strongly advise that you keep a copy for your records.

Forms and Fact sheets can be found on the Department of Immigration and Citizenship's (the department) website or from any office of the department.

Forms are available from www.immi.gov.au/allforms/

Fact Sheets are available from
www.immi.gov.au/media/fact-sheets/

You should also read the information form 1025i *Making and processing visa applications*. This will tell you how to apply for a visa and how your application will be processed.

Complete this application form (866) if you:

- are **in Australia**;
- are seeking the **protection of Australia**; and
- have your own claims for protection; OR
- are a member of the same family unit of a person who has their own claims for protection.

You may be granted a Protection visa if it is determined that:

- you are a person to whom Australia has protection obligations under the Refugees Convention and Australian legislation; or
- you are a member of the same family unit of such a person;

OR

- you are a person to whom Australia has protection obligations because, in accordance with Australian legislation, there are substantial grounds for believing that, as a necessary and foreseeable consequence of being removed from Australia, there is a real risk that you will suffer significant harm; or
- you are a member of the same family unit of such a person;

AND

- you and the members of your family unit included in this application undergo health checks, provide personal identifiers when required and satisfy public interest criteria, including security, character and the requirement to sign the Australian Values Statement.

Definition of a refugee

A refugee is defined by the *1951 United Nations Convention relating to the Status of Refugees*, and its *1967 Protocol* (Refugee Convention), as a person who:

'owing to well-founded fear of being persecuted for reasons of:

- race
- religion
- nationality
- membership of a particular social group, or
- political opinion'

and

'is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.'

Other relevant international obligations

If you are not found to be owed protection under the Refugees Convention your claims will be assessed to determine whether they engage Australia's other relevant international obligations that prevent the return of a person to a place where they would face certain types of harm. These are called *non-refoulement* (non-return) obligations.

Australia has *non-refoulement* (non-return) obligations where there are substantial grounds for believing that, as a necessary and foreseeable consequence of a person being removed from Australia to a receiving country, there is a real risk that the person will suffer significant harm.

Significant harm is where a person will:

- be arbitrarily deprived of his or her life; or
- have the death penalty carried out on him or her; or
- be subjected to torture; or
- be subjected to cruel or inhuman treatment or punishment; or
- be subjected to degrading treatment or punishment.

If you hold a valid visa you should lodge your Protection visa application **before your current visa expires**. If your current visa expires, and you have not lodged a valid Protection visa application, you will become unlawful in Australia.

If you apply for protection and you are refused, it is unlikely that you will be able to apply for another visa while still in Australia.

If you are not a person to whom Australia has protection obligations, there may be other visas more suitable to your circumstances. More information on finding the right visa for you is available on the department's website
www.immi.gov.au

Further information about Australia's protection obligations is available in Fact sheet 61 www.immi.gov.au/media/fact-sheets/

How to make an application

First complete Part B of the application to provide details about yourself and all other persons included in the application.

Your claims

To make a valid application, you must either put forward reasons for claiming protection or claim to be a member of the same family unit of a person who has submitted their own claims for protection.

To submit your own claims you must complete and include Part C of the application – *Application for an applicant who wishes to submit their own claims for protection*.

To properly complete Part C you must answer Questions 42–48 to **provide your reasons for claiming protection**.

If other members of your family unit have their own reasons, they should complete a separate Part C each.

You should answer all these questions in your own words and tell the department everything about why you think you are owed protection. You may answer these questions on the application form or by submitting a separate statement with your application. **All claims and supporting material should be provided when you lodge the application.**

Note: A person who is subject to any of the following sections of the *Migration Act 1958* is not able to make a valid application unless the Minister waives these restrictions:

- s46A which prevents an offshore entry person making a valid visa application if they are in the migration zone and are an unlawful non-citizen;
- s48A which prevents repeat applications for a Protection visa;
- s91E – relating to safe third country;
- s91K – relating to the Temporary Safe Haven visa;
- s91P – relating to Effective Protection.

Family unit

With regard to the Class XA Protection visa application a family unit can include a partner, dependent children, or certain other dependants.

Members of the same family unit may apply together on the same form.

If a child is born to an applicant after an application is lodged and before a primary decision is made on that application, the child will be taken to be included in that application. You should promptly notify the department of the birth of your child.

If you are included in this application as a member of the same family unit and you do not meet the definition of a member of the same family unit, you will be advised.

If you have been separated from members of your immediate family and are successful in your visa application and you are granted a permanent subclass 866 Protection visa, you may be able to propose them for humanitarian entry to Australia at a later date. With regard to a Humanitarian entry proposal, a member of the **immediate family** includes your partner, dependent children and your parents (if you are under 18 years of age).

For your immediate family to be eligible for the grant of a humanitarian visa, you must declare them to the department (refer to Part B Questions 10–13).

Personal identifiers

As part of the Protection visa application process, you and each other person included in this application will be required to provide the following personal identifiers in person at an office of the department:

- a digital photograph (face and shoulders); and
- fingerprints (only if the applicant is 15 years of age or more).

Failure to comply with a requirement to provide personal identifiers will mean that your Protection visa application is invalid and cannot be considered by the department.

It is recommended that you make an appointment to lodge your application in person at an office of the department and provide the digital photograph and fingerprints at this time.

More information on personal identifiers is available on the department's website at

www.immi.gov.au/visas/humanitarian

Passport photograph and signature

You and each other person included in this application should provide a recent passport sized photograph and attach it to either Part C (member of the family unit who has their own claims for protection) or Part D (members of the same family unit who do not have their own claims but are included in the application on the basis of their membership of the family unit), whichever is applicable. To ensure that your photograph is of the required quality, you should obtain it from a photo shop or photo booth that complies with the relevant quality standards.

Each photograph must have been taken within the last 6 months and meet the following standards:

- it must show a close up of your head and the top of your shoulders;
- you must look directly at the camera with a neutral expression and with your mouth closed;
- your eyes must be open and clearly visible. If you wear spectacles, you should remove them;
- if you wear a scarf, turban or veil for religious or cultural reasons, these must not obscure the features of your face;
- if possible, please uncover your ears;
- the photograph must be taken against a plain, light-coloured background;
- the photograph must have appropriate brightness and contrast, with no shadows covering your face or flash reflecting on your face.

The photograph is to have certification in writing by an authorised person on the back of the photo confirming that it is a true likeness of the person named in the Protection visa application. See *Who can certify my documents?* on page 3.

You and each other person included in this application should also sign the application in accordance with the instructions on this form.

Minors and incapable persons

A child less than 15 years of age or an incapable person will only be required to provide a digital photograph with the consent of a parent, guardian or independent person.

A child less than 15 years of age or an incapable person should also provide a recent passport sized photograph (face and shoulders), but does not need to sign the application form. A parent or guardian can sign on their behalf. Unaccompanied minors may sign the application on their own behalf.

A child between 15 and 18 years of age will be required to provide a digital photograph and fingerprints with the consent of a parent, guardian or independent person. The parent, guardian or independent person should be present when fingerprints are collected. A child between 15 and 18 years should also provide a recent passport sized photograph (face and shoulders) and sign the application form.

Documentation required

Certified true copies of many documents are required as well as the original copies. See *Step 2* on page 7 for further information.

Documents in a language other than English should be accompanied by an **English translation** completed by a translator accredited by the National Accreditation Authority for Translators and Interpreters (NAATI). You should ask the translator for evidence of their NAATI accreditation, and attach it to the translation.

Who can certify my documents?

In Australia, copies of documents can be certified by a magistrate, Justice of the Peace, Commissioner for Declarations, solicitor, registered medical practitioner, bank manager, postal manager, or an Australian public service officer with five years or more service. For a full list of people who can certify documents please see the Statutory Declarations Regulations 1993, available from the Attorney General's website www.ag.gov.au

Residential address and communication with applicant

You must tell the department where you intend to live while your application is being dealt with, so that the department can contact you about your application. If you change your residential or postal address you must notify the department by completing form 929 *Change of address and/or passport details*.

Failure to give a residential address will result in your application being invalid. A post office box address will not be accepted as your residential address.

In the case of applications from members of the same family unit, the department will communicate with either the person nominated as 'Applicant 1' in Part B of the application, or with the person authorised to receive written communications in Part B of the application.

If you plan to change your residential address for more than 14 days, you must advise the department of your new residential address and the period you will be living there. Correspondence sent by the department to the last address you have provided will be taken to have been received.

If you fail to make arrangements for collection or forwarding of your mail while you are absent from that address, you may not receive important correspondence from the department about your application. This may affect the outcome of your application and your access to review.

A decision made on your application will be sent to the last address given by you to the department (or to your migration agent/solicitor if you have one).

Life in Australia – Australian values

The Australian Government encourages people to gain an understanding of Australia, its people and their way of life, before applying for a visa to live in Australia.

This includes understanding that the English language, as the national language, is an important unifying element of Australian society. Australian society is also united through the following shared values:

- respect for the freedom and dignity of the individual;
- freedom of religion;
- commitment to the rule of law;
- Parliamentary democracy;
- equality of men and women;
- a spirit of egalitarianism that embraces mutual respect, tolerance, fair play and compassion for those in need and pursuit of the public good;
- equality of opportunity for individuals, regardless of their race, religion or ethnic background.

The Life in Australia booklet provides more information on the values that Australians share and their way of life. This booklet is available in a wide range of languages. If you have not already received a copy it can be obtained from the department's website www.immi.gov.au or from any office of the department.

You must have read the *Life in Australia* booklet before completing this application form. If you have difficulty, or are unable to read the booklet, you may have the content of it explained to you. Parts C and D of this form contain a statement that confirms you understand and will respect the values of Australian society (as explained in the booklet) and will obey the laws of Australia. This includes acknowledging what would be required if you later applied for Australian citizenship.

This statement must be signed by each person aged 18 years or over, included in this form.

About the information you give

Authority to collect information

The department is authorised to collect information provided on this form under Part 2 of the *Migration Act 1958*, 'Control of Arrival and Presence of Non-citizens'. The information provided will be used by the department for assessing your eligibility for a visa to travel, enter and remain in Australia and for other purposes relating to the administration of the Migration Act, for example, to assist migrants with settling in Australia, to monitor the conduct of migration agents, or for ensuring compliance with the Migration Act.

The department is also authorised under the Migration Act, in certain circumstances, to collect a range of personal identifiers including photographs, fingerprints and signatures, from non-citizens, including visa applicants. The department requires personal identifiers to assist in assessing your identity.

The information you provide will only be used by the department for the purpose for which you have provided it, unless it is legally required or necessary to use it for another purpose, or you have consented to its use for another purpose. This information will become part of your official record with the department.

For more detailed information you should read form 1243i *Your personal identifying information* and form 993i *Safeguarding your personal information*.

Authority to disclose information

Please see form 993i *Safeguarding your personal information*. This information form explains the authority to collect your personal information by the department, how it can be used and how it is protected. It also tells you what you can do if you believe the department has wrongly collected or handled your information.

The department will only disclose your personal information to other agencies and foreign countries in accordance with the *Privacy Act 1988*.

The information provided by you may be disclosed to a number of agencies including law enforcement and health agencies and other agencies who may need to check your identity with this department.

The information provided by you may also be disclosed to agencies who are authorised to receive information relating to adoption, border control, business skills, citizenship, education, health assessment, health insurance, health services, law enforcement, payment of pensions and benefits, taxation, review of decisions and regulation of migration agents.

Relevant information about you may also be disclosed to federal, state and territory police to assist in your location and possible detention if you become an unlawful non-citizen. You will become an unlawful non-citizen if your visa ceases (for example, if it is cancelled for breach of a visa condition) or expires, and you do not hold another visa authorising you to remain in Australia.

Information may also be released to these authorities and to law enforcement agencies of other countries with which Australia has information sharing agreements to assist in the investigation of criminal offences.

Information from your application and any interviews may also be used or disclosed as the basis for checks with authorities in countries through which you have passed or in which you have resided since you left your country of origin. It may also be provided to the United Nations High Commissioner for Refugees (UNHCR), other international humanitarian agencies, and either the Australian High Commission, Embassy or Consulate in your home country for the purpose of verifying your identity, and/or claims for protection.

The department is also authorised to disclose your personal identifiers (such as fingerprints and photographs) and related information to other agencies or foreign countries in certain circumstances for permitted purposes under Part 4A of the *Migration Act 1958*. These permitted purposes are set out in form 1243i *Your personal identifying information*.

The department may disclose your personal identifiers to law enforcement agencies in Australia in order to identify you, to help determine your eligibility for a Protection visa and for law enforcement purposes.

The department is involved in international information exchanges with a number of countries, including the United Kingdom, the United States of America, Canada and New Zealand. These international information exchanges may involve the sharing of personal identifiers, including facial images and fingerprint data, collected by immigration agencies such as this department. If, as a result of this sharing between countries, there is a match with your personal identifiers, the department may disclose your biographical data, copies of travel and other identity documents or information from such documents, your immigration status and immigration history (which may include any immigration abuse and offences) and any criminal history information relevant to immigration purposes. The purpose of such disclosure would be to help confirm your identity and determine if you have presented to the department and the other agency under the same identity and with similar claims.

The department will not disclose your identifying information to the foreign country in respect of which your Protection visa application is made, unless:

- you have requested or agreed to return to the foreign country in respect of which your application is made; or
- your application for a Protection visa has been refused and the application is finally determined (within the meaning of subsection 5(9) of the Act).

Details of your protection claims will not be passed on to the authorities of your home country or their representatives.

The Privacy Act and the Migration Act

The collection, access, storage, use and disclosure by the department of the information you provide in this form is governed by the *Privacy Act 1988* and, in particular, by the 11 Information Privacy Principles. The collection, access, storage, use and disclosure by the department of your identifying information is governed by Part 4 of the *Migration Act 1958*. The information forms 993i *Safeguarding your personal information* and 1243i *Your personal identifying information* give further details of how your personal information might be used and your rights under Australian law if you believe the department has wrongly collected or handled your information.

Accessing your personal information

Under the *Freedom of Information Act 1982* you can apply for access to documents containing your personal information. You or someone authorised to access information on your behalf can apply for this at any office of the department in Australia. There is no fee for accessing your own information. If you are overseas, you must provide an address in Australia to which copies of documents or other records can be sent. More information on how to make a request under the *Freedom of Information Act 1982* is given on form 424A *Request for access to documents and/or information*.

Getting help with your application

Help with English

You can use an interpreter or translator to help prepare your application. Your local office of the department, or a Migrant Resource Centre, or other community groups who are involved with refugee and protection matters will be able to tell you how to get help in your language. You can also call the Translating and Interpreting Service (TIS) on 131 450.

Immigration Advice and Application Assistance Scheme (IAAAS)

The IAAAS gives free, professional migration advice and application assistance to eligible clients.

For more detailed information about eligibility and assistance provided under the scheme, you should read Fact sheet 63 *Immigration Advice and Application Assistance Scheme (IAAAS)* www.immi.gov.au/media/fact-sheets

Immigration assistance

A person gives immigration assistance to you if he or she uses, or claims to use, his or her knowledge or experience in migration procedure to assist you with your visa application, request for ministerial intervention, cancellation review application, sponsorship or nomination.

In Australia a person may only lawfully give immigration assistance if he or she is a registered migration agent or is exempt from being registered. Only registered migration agents may receive a fee or reward for providing immigration assistance.

If an unregistered person in Australia, who is not exempt from registration, gives you immigration assistance they are committing a criminal offence and may be prosecuted.

Migration agents in Australia

Migration agents in Australia must be registered with the Office of the Migration Agents Registration Authority (Office of the MARA) unless they are exempt from registration.

Migration agents outside Australia

Migration agents who operate outside Australia do not have to be registered. The department may give some overseas agents an ID number. This number does not mean that they are registered.

Note: Some Australian registered migration agents operate overseas.

Migration agent information

A migration agent is someone who can:

- advise you on the visa that may best suit you;
- tell you the documents you need to submit with your application;
- help you fill in the application and submit it; and
- communicate with the department on your behalf.

If you appoint a migration agent, the department will assume that your migration agent will be your authorised recipient, unless you indicate otherwise.

Your migration agent will be the person with whom the department will discuss your application and from whom it will seek further information when required.

You are not required to use a migration agent. However, if you use a migration agent, the department encourages you to use a registered migration agent. Registered agents are bound by the Migration Agents Code of Conduct, which requires them to act professionally in their clients' lawful best interests.

Information on migration agents, including a list of registered migration agents, is available on the Office of the MARA website www.mara.gov.au

You can also access information about migration agents on the department's website www.immi.gov.au

Warning: Unfortunately some visa applicants have been victims of scams, paying large sums of money to fraudulent immigration advisors who promise guaranteed visas. Avoid people who claim to be representatives of the department or who encourage you to lie in your application.

No one can guarantee that you will receive a Protection visa, or that your application will be fast-tracked. To find out if a person is a registered migration agent see the Office of the MARA website www.mara.gov.au

Exempt persons

The following people do not have to be a registered migration agent in order to provide immigration assistance, but they must not charge a fee for their service:

- a close family member (spouse, de facto partner, child, parent, brother or sister);
- a member of parliament or their staff;
- an official whose duties include providing immigration assistance (eg. a Legal Aid provider);
- a member of a diplomatic mission, consular post or international organisation.

Appointing a migration agent/exempt person

To appoint a migration agent/exempt person you should complete *Options for receiving written communications* in Part B on page 9 of this form.

Your migration agent/exempt person should complete form 956 *Advice by a migration agent/exempt person of providing immigration assistance*.

Form 956 is available from the department's website www.immi.gov.au/allforms/

Options for receiving written communications

If you do not appoint a migration agent/exempt person you may still authorise another person, in writing, to receive written communications on your behalf. This person is called the authorised recipient.

Authorised recipient information

All written communication about your application will be sent to your authorised recipient, unless you indicate that you wish to have health and/or character information sent directly to you.

The department will communicate with the most recently appointed authorised recipient as you may only appoint one authorised recipient at any time for a particular application.

You will be taken to have received any documents sent to that person as if they had been sent to you.

To appoint an authorised recipient you should complete:

- *Options for receiving written communications* in Part B on page 9 of this form; and
- form 956A *Appointment or withdrawal of an authorised recipient*.

Note: Migration agents/exempt persons do not need to complete form 956A.

Form 956A is available from the department's website www.immi.gov.au/allforms/

Consent to communicate electronically

The department may use a range of means to communicate with you. However, electronic means such as fax or e-mail will only be used if you indicate your agreement to receiving communication in this way.

To process your application the department may need to communicate with you about sensitive information, for example, health, police checks, financial viability and personal relationships. Electronic communications, unless adequately encrypted, are not secure and may be viewed by others or interfered with.

If you agree to the department communicating with you by electronic means, the details you provide will only be used by the department for the purpose for which you have provided them, unless there is a legal obligation or necessity to use them for another purpose, or you have consented to use for another purpose. They will not be added to any mailing list.

The Australian Government accepts no responsibility for the security or integrity of any information sent to the department over the internet or by other electronic means.

If you authorise another person to receive documents on your behalf and they wish to be contacted electronically, their signature is required on form 956 or 956A to indicate their consent to this form of communication.

Note: Electronic communication is the fastest means of communication available and the department prefers to communicate electronically because this results in faster processing.

Your status while your application is processed

Acknowledgment

When the department receives your application we will send you an acknowledgment. The letter acknowledging receipt of your application will give details of the phone number and address which you may use if you need to contact the department.

Note: If you contact the department by phone, only limited information about your application will be given to ensure your private details are not given to others.

This form also serves as an application for a bridging visa if you are able to make a valid application for a bridging visa.

- ¥ A bridging visa will give you lawful status in Australia while your application is being processed.
- ¥ If you arrived in Australia unlawfully and were not immigration cleared and you are in detention, you may be unable to make a valid application for a bridging visa.
- ¥ You must also meet certain criteria to be granted a bridging visa. If you do not meet these requirements, you cannot be granted a bridging visa, even if your application is valid.
- ¥ If you are granted a bridging visa whilst you are the holder of a substantive visa that has not yet expired, the bridging visa will not come into effect until your substantive visa ceases.

Further information about bridging visas is provided in the information form 1024i *Bridging visas*.

Additional information

If you have new information related to your application, you should send it to the department as soon as possible so that it can be considered with your application.

A decision on your application will be made on the basis of all the information you provide to the department before the decision is made, and in accordance with the requirements of the *Migration Act 1958* and Migration Regulations 1994.

If you are waiting for evidence or documents from overseas or translations of documents to support the claims you have made, please indicate this clearly at Question 14 of Part B of the application form.

Note: A decision may be made on the basis of the application and information you have provided with it, without waiting for your additional information or documents.

Incorrect answers given

If you think you have given an incorrect answer on your application, you must notify the department and provide the correct information by completing form 1023 *Notification of incorrect answers*.

Interviews and requests for more information

The department will advise you in writing if you are required to attend an interview. You will be invited to attend an interview only if the case manager decides it is necessary.

The department will also advise you in writing if more documents or information is required to make a decision.

Note: You may be asked to make an oath or affirmation that the information you provide is true.

Eligibility for Medicare and Work Rights

An applicant for a Protection (Class XA) visa may be eligible for medical assistance through Medicare provided they hold a valid temporary visa, including a bridging visa, and have permission to work. Eligibility for a bridging visa with permission to work will be determined primarily by the applicant's immigration status at the time of lodging the Protection visa application. Further information about eligibility for a bridging visa with permission to work is provided in the information form 1024i *Bridging visas*. As well, since 1 January 2001, people who apply for a Protection (Class XA) visa are not eligible for Medicare if they have ever applied for a parent visa, either on-shore or off-shore.

The Asylum Seeker Assistance Scheme

As an applicant for a protection visa, you may be eligible to receive support under the Asylum Seeker Assistance Scheme (ASAS).

ASAS provides limited financial support and other support services to asylum seekers who meet the ASAS eligibility criteria. The purpose of ASAS is to help asylum seekers who are experiencing financial hardship to meet their basic needs while they are waiting for an outcome on their application for protection.

Further information about ASAS can be found in Fact Sheet 62 *Assistance for Asylum Seekers in Australia*.

STEP 1

Note: All the people included in this application must be in Australia at the time of application.

Your application should be lodged as soon as possible after your arrival in Australia, or as soon as possible after an event which results in you seeking Australia's protection.

You will need:

- a Part B for all persons included in the application; and
- a Part C for each person who has their own claims for protection (all members of the same family unit who have their own claims are encouraged to put them forward by completing their own Part C. Individuals in a family can ask the department to assess their claims separately); or
- a Part D for each other member of the same family unit who does not have their own claims but is to be included in this application on the basis of their membership of the same family unit.

If a family unit is applying, more copies of Part C and Part D may be required. You can get more copies from the department. You can also photocopy Part C and Part D before you fill it in.

STEP 2

Carefully read this part and other parts of the application form before you start to fill them in. There is much detailed information you have to give on the application form, and you have to supply many supporting documents.

If you do not have the required documents or information, you should take immediate steps to obtain them to include in your application.

If you have the following documents you must supply originals and certified copies of the originals (see *Who can certify my documents?* on page 3):

- all pages of passports and other travel documents held by all the people in the application, including the documents used to enter Australia; and
- birth certificates or notarial certificates for each person in this application.

Where applicable, members of a family unit must also provide originals and certified copies of the following documents:

- for spouse, a marriage certificate;
- for de facto partner, documents of financial assets or undertakings in both names, and any other evidence that it is a genuine on-going relationship;
- for a dependant aged 18 or over, evidence that the person is dependent on you (such as bank drafts, medical reports, statements from medical or educational establishments, or from other family members, or evidence of residence at the same address); and
- evidence of any change of name.

You may also provide any other documents which are relevant to your application.

Original documents will be returned to you, while the certified copies will be retained by the department.

Documents in a language other than English should be accompanied by an **English translation** completed by a translator accredited by the National Accreditation Authority for Translators and Interpreters (NAATI). You should ask the translator for evidence of their NAATI accreditation, and attach it to the translation.

If you are unable to provide any of these documents with your application, you should explain why these documents cannot be supplied with your application. If available, you can provide alternative documentation instead.

You are expected to provide documentary evidence of your identity, nationality and/or citizenship. If you cannot do so, and cannot provide a reasonable explanation of why you cannot, this may lead to doubts about your claimed identity, nationality and/or citizenship.

If you do not provide documents to support your application, a decision may be made without them.

For future reference, you may wish to list the documents that you send with your application and any that you wish to send later.

STEP 3

Complete your application. If possible, each person in the application over the age of 18 should provide their own details for Part B and complete their own Part C or Part D.

Provide all the information requested. If you need more space, attach a sheet of paper giving the required information. **You should include the part (Part B etc.) and the question number to which the information refers, and sign each additional sheet.**

Remember to answer all questions. Failure to answer all questions may result in your application being invalid.

STEP 4

Use the *Application checklist* on page 8 to check that you have done everything required, and have included all the documents you need to supply with your application.

STEP 5

It is recommended that you make an appointment to lodge your application in person at an office of the department and provide the digital photograph and fingerprints at this time. You can contact the department on 131 881.

When you lodge your application, you should also attach a recent passport sized photograph of yourself and each other person included in your application. You should also ensure that your application is signed in accordance with the instructions on the form.

When you lodge your application, you must pay the Visa Application Charge (VAC). For a family unit, this one charge covers all the people included in the application. If a member of the same family unit wishes to lodge a separate application, they must pay the VAC separately.

If you are in immigration detention and have not been immigration cleared, you do not have to pay a VAC.

Visa Application Charges may be subject to adjustment on 1 July each year.

Payment must accompany your application and is generally not refunded if the application is unsuccessful. To check the Visa Application Charge, refer to the department's website www.immi.gov.au/fees-charges or check with the nearest office of the department. To make a payment, please pay by credit card, debit card, bank cheque or money order made payable to the Department of Immigration and Citizenship. Debit card and credit card are the preferred methods of payment.

Change of circumstances

If your circumstances change after you lodge your application (for example, you get married or the composition of your family unit changes), you must inform us of the new circumstances by completing form 1022 *Notification of changes in circumstances*.

How do I lodge my application?

You can lodge your Protection visa application with any office of the department.

Addresses of all Australian offices are available on the department's website at www.immi.gov.au/contacts

It is recommended that you make an appointment to lodge your application in person at an office of the department and provide your personal identifiers at the same time. All people included in this application should attend this appointment to provide personal identifiers.

To make an appointment, please call 131 881 during business hours in Australia.

For more information on:

- how to make an appointment to lodge your application;
- personal identifiers; and
- what to do if you are unable to lodge your application in person;

please see www.immi.gov.au/visas/humanitarian or call the general enquiry line on **131 881** during business hours in Australia.

Application checklist

Use this checklist before you lodge your application.

Have you answered all questions in Part B?	<input type="checkbox"/>
In Question 1 of Part B, have you listed all the members of your family unit who are to be included in this application?	<input type="checkbox"/>
Have all the persons aged 18 years or over, who are included in your application, answered and signed the declaration at the end of Part B?	<input type="checkbox"/>
Have you signed Part B on behalf of any members of your family unit who are under 18 years of age?	<input type="checkbox"/>
Has each person making their own claims for protection completed a Part C, answered all questions and signed the declaration at the end?	<input type="checkbox"/>
Has each other member of your family unit aged 18 years or over, who is included in this application, completed a Part D, answered all questions and signed the declaration at the end?	<input type="checkbox"/>
Have you completed a Part D, answered all questions and signed on behalf of any members of your family unit who are under 18 years?	<input type="checkbox"/>
Has each person, who is included in this application, provided a recent passport quality passport size photograph?	<input type="checkbox"/>

Has each person aged 18 or over, who is included in your application, signed the Australian Values Statement in Parts C or D?	<input type="checkbox"/>
If you have attached sheets of paper which give additional information, have you stated the part (Part B etc.) and question number to which the information relates, and signed each additional sheet?	<input type="checkbox"/>
Have you provided certified copies of all pages of passports and other travel documents held by all persons in the application, including the documents they used to enter Australia?	<input type="checkbox"/>
Have you provided certified copies of birth certificates or notarial certificates for each person in this application, and marriage certificates (or other evidence of the relationship between each person in the application)?	<input type="checkbox"/>
Have you provided any additional documents which support your application?	<input type="checkbox"/>
Have you listed documents which are attached to your application and/or which you will provide separately?	<input type="checkbox"/>
If you have not provided documents, have you explained why?	<input type="checkbox"/>
If applicable, has your interpreter filled in and signed the interpreter's declaration?	<input type="checkbox"/>
If applicable, has your migration agent filled in and lodged form 956 <i>Advice by a migration agent/exempt person of providing immigration assistance</i> ?	<input type="checkbox"/>
If applicable, have you filled in and lodged form 956A <i>Appointment or withdrawal of authorised recipient</i> ?	<input type="checkbox"/>
Have you made an appointment to lodge your application and provide your personal identifiers at an office of the department?	<input type="checkbox"/>
Have you provided a bank cheque, or your debit card or credit card details for the application fee?	<input type="checkbox"/>

Do you need further information?

This is a general guide to completing your application. Information given on this form is based on the *Migration Act 1958* and Regulations as they apply at the time this form was printed. Further information can be obtained from any office of the Department of Immigration and Citizenship.

Home page **www.immi.gov.au**

General enquiry line Telephone **131 881** during business hours in Australia to speak to an operator (recorded information available outside these hours). If you are outside Australia, please contact your nearest Australian mission.

Please keep these information pages for your reference

B

Persons included in this application and family composition



Australian Government
**Department of Immigration
and Citizenship**

Application for a Protection (Class XA) visa

Form
866B

Please use a pen, and write neatly in English using BLOCK LETTERS.

Tick where applicable

You must answer ALL questions. If any question is not applicable, write 'N/A'. Failure to do so may lead to your application being considered invalid.

If you need more space to answer any questions, attach a sheet of paper giving the required details and include the part (Part B) and question number to which the information refers.

It is important that you include all details as a decision may be taken based on the information provided in your application only.

Details of persons included in this application

- 1** Give details of ALL persons included in this application (those seeking Australia's protection and those who are members of the same family unit).

These persons must be in Australia at the time of application.

Applicant 1 should be the person you want the department to contact about this application (although you may wish to authorise another person or your migration agent to receive written communications, see Question 20).

Applicant number	Family name	Given names	Date of birth			Relationship to applicant 1 (eg. mother, father, partner, brother, sister, son, daughter)
			DAY	MONTH	YEAR	
1						
2						
3						
4						
5						
6						
7						
8						

If insufficient space, attach additional details

2 Has any person named in Question 1 previously applied for refugee status or a Protection visa from the department?

No

Yes ► Give details

Which person? (give applicant number as shown in Question 1)

Date of application DAY MONTH YEAR

Place of application

File number

3 Has any person named in Question 1 previously made any other type of application to the department (including a Parent visa)?

(A Parent visa is a visa to obtain permanent residence in Australia, where you have been nominated by a child.)

No

Yes ► Give details

Which person? (give applicant number as shown in Question 1)

Type of application

Date of application DAY MONTH YEAR

Place of application

Client number or File number

Which person? (give applicant number as shown in Question 1)

Type of application

Date of application DAY MONTH YEAR

Place of application

Client number or File number

4 Has any person named in Question 1 ever held a Bridging visa E?

No

Yes ► Which person? (give applicant number as shown in Question 1)

5 Has any person named in Question 1 ever been assessed for refugee status by the United Nations High Commissioner for Refugees (UNHCR)?

No

Yes ► Which person? (give applicant number as shown in Question 1)

Give details

6 Has any person named in Question 1 previously lived in a refugee camp, centre for refugees, or detention centre not in Australia?

No

Yes ► Which person? (give applicant number as shown in Question 1)

Name of camp/centre

Location

Name of organisation who ran the camp/centre

Dates/Period spent there

DAY MONTH YEAR to DAY MONTH YEAR

Which person? (give applicant number as shown in Question 1)

Name of camp/centre

Location

Name of organisation who ran the camp/centre

Dates/Period spent there

DAY MONTH YEAR to DAY MONTH YEAR

If insufficient space, attach additional details

7 Has any person named in Question 1 ever been in immigration detention or any other form of custody in Australia?

No

Yes ► Give details

Which person? (give applicant number as shown in Question 1)

Place of detention

Health

8 Has any person named in Question 1:

• undergone a medical examination carried out by a Commonwealth medical officer? No Yes

• if 11 years of age or over, undergone a chest x-ray examination conducted by a radiologist qualified in Australia? No Yes

If you answered 'Yes' to either of the above questions, show which persons and give details of when and where

Applicant number	Give details (including HAP ID if available)

Character

9 Has any person named in Question 1, ever:

• committed or been convicted of a crime or offence in any country (including any conviction which is now removed from official records)? No Yes

• been charged with any offence that is currently awaiting legal action? No Yes

• been acquitted of any criminal offence or other offence on the grounds of mental illness, insanity or unsoundness of mind? No Yes

• been removed or deported from any country (including Australia)? No Yes

• left any country voluntarily to avoid being removed or deported? No Yes

• been excluded from or asked to leave any country (including Australia)? No Yes

• been involved in any activities which would represent a risk to Australian national security? No Yes

• had any outstanding debts to the Australian Government or any public authority in Australia? No Yes

• committed, or been involved in the commission of, war crimes, crimes against humanity or crimes against peace? No Yes

• served in a military force or state sponsored/private militia, undergone any military/paramilitary training, or been trained in weapons/explosives use (however described)? No Yes

• served in police forces, intelligence organisations, secret police, special guards, hospitals, chemical/biological product manufacturing? No Yes

• been guilty of acts contrary to the purposes and principles of the United Nations? *(The purposes and principles of the United Nations are detailed in the Preamble and Articles 1 and 2 of the United Nations Charter.)* No Yes

If you answered 'Yes' to any of the above questions, provide all the relevant details. If the matter relates to a criminal conviction, please provide the nature of the offence, full details of sentence and dates of any period of imprisonment or other detention.

Applicant number	Details

Members of the same family unit not included in this application

Members of the same family unit include partner (spouse or de facto partner), dependent children and other dependants

10 Are there any members of the same family unit who are IN AUSTRALIA but are NOT included in this application?

No

Yes Give details

1. Family name

Given names

Sex Male Female

Date of birth

Country of birth

Citizenship

Relationship status

Married Separated Never married or
 Engaged Divorced been in a de facto
 De facto Widowed relationship

Relationship to applicant 1

Reason for not including in this application

2. Family name

Given names

Sex Male Female

Date of birth

Country of birth

Citizenship

Relationship status

Married Separated Never married or
 Engaged Divorced been in a de facto
 De facto Widowed relationship

Relationship to applicant 1

Reason for not including in this application

11 Are there any members of the same family unit who are NOT in Australia at the time of application?

No

Yes Give details

1. Family name

Given names

Sex Male Female

Date of birth

Country of birth

Citizenship

Relationship status

Married Separated Never married or
 Engaged Divorced been in a de facto
 De facto Widowed relationship

Relationship to applicant 1

Country of residence

2. Family name

Given names

Sex Male Female

Date of birth

Country of birth

Citizenship

Relationship status

Married Separated Never married or
 Engaged Divorced been in a de facto
 De facto Widowed relationship

Relationship to applicant 1

Country of residence

Other close relatives who are not members of the same family unit and are not included in this application

'Other close relatives' are parents, brothers, sisters, children, step-children, step-parents, step-brothers and step-sisters, who are NOT members of the same family unit shown at Question 1.

12 Do any of the persons included in this application and named in Question 1 have close relatives who are IN AUSTRALIA at the time of application?

No

Yes Give details

1. Family name

Given names

Sex Male Female

Date of birth DAY MONTH YEAR

Country of birth

Citizenship

Relationship status

Married Separated Never married or
 Engaged Divorced been in a de facto
 De facto Widowed relationship

Relationship to applicant 1

Country of residence

2. Family name

Given names

Sex Male Female

Date of birth DAY MONTH YEAR

Country of birth

Citizenship

Relationship status

Married Separated Never married or
 Engaged Divorced been in a de facto
 De facto Widowed relationship

Relationship to applicant 1

Country of residence

13 Do any of the persons included in this application and named in Question 1 have close relatives who are NOT in Australia at the time of application?

No

Yes Give details

1. Family name

Given names

Sex Male Female

Date of birth DAY MONTH YEAR

Country of birth

Citizenship

Relationship status

Married Separated Never married or
 Engaged Divorced been in a de facto
 De facto Widowed relationship

Relationship to applicant 1

Country of residence

2. Family name

Given names

Sex Male Female

Date of birth DAY MONTH YEAR

Country of birth

Citizenship

Relationship status

Married Separated Never married or
 Engaged Divorced been in a de facto
 De facto Widowed relationship

Relationship to applicant 1

Country of residence

3. Family name
Given names
Sex Male Female
Date of birth DAY MONTH YEAR
Country of birth
Citizenship
Relationship status
Married Separated Never married or
Engaged Divorced been in a de facto
De facto Widowed relationship
Relationship to applicant 1
Country of residence

6. Family name
Given names
Sex Male Female
Date of birth DAY MONTH YEAR
Country of birth
Citizenship
Relationship status
Married Separated Never married or
Engaged Divorced been in a de facto
De facto Widowed relationship
Relationship to applicant 1
Country of residence

4. Family name
Given names
Sex Male Female
Date of birth DAY MONTH YEAR
Country of birth
Citizenship
Relationship status
Married Separated Never married or
Engaged Divorced been in a de facto
De facto Widowed relationship
Relationship to applicant 1
Country of residence

7. Family name
Given names
Sex Male Female
Date of birth DAY MONTH YEAR
Country of birth
Citizenship
Relationship status
Married Separated Never married or
Engaged Divorced been in a de facto
De facto Widowed relationship
Relationship to applicant 1
Country of residence

5. Family name
Given names
Sex Male Female
Date of birth DAY MONTH YEAR
Country of birth
Citizenship
Relationship status
Married Separated Never married or
Engaged Divorced been in a de facto
De facto Widowed relationship
Relationship to applicant 1
Country of residence

8. Family name
Given names
Sex Male Female
Date of birth DAY MONTH YEAR
Country of birth
Citizenship
Relationship status
Married Separated Never married or
Engaged Divorced been in a de facto
De facto Widowed relationship
Relationship to applicant 1
Country of residence

9. Family name

Given names

Sex Male Female

Date of birth DAY MONTH YEAR

Country of birth

Citizenship

Relationship status

Married Separated Never married or
Engaged Divorced been in a de facto
De facto Widowed relationship

Relationship to applicant 1

Country of residence

10. Family name

Given names

Sex Male Female

Date of birth DAY MONTH YEAR

Country of birth

Citizenship

Relationship status

Married Separated Never married or
Engaged Divorced been in a de facto
De facto Widowed relationship

Relationship to applicant 1

Country of residence

Documents

- 14** Please list all the documents you need to provide with this application, and indicate when you will be providing them. If you cannot provide certain documents, indicate this in the table and provide details at Question 15.
(For example, originals and certified copies of passports, birth certificates, licences, identity documents, evidence of dependency, evidence of change of name)

Document		When will you provide this document? <i>(Tick one box for each document)</i>		
		With my application	Will provide later	Cannot provide
A		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
L		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
P		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
R		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If insufficient space, attach additional details

- 15** If you cannot provide a document, please indicate which document and explain why

If insufficient space, attach additional details

Assistance with this form

16 Did you receive assistance in completing this form?

No ▶ Go to Question 20

Yes ▶ Please give details of the person who assisted you

Title: Mr Mrs Miss Ms Other

Family name

Given names

Address

POSTCODE

Telephone number or daytime contact

	COUNTRY CODE	AREA CODE	NUMBER
Office hours	(<input type="text"/>)	(<input type="text"/>)	<input type="text"/>
Mobile/cell	<input type="text"/>		

17 Is the person an agent registered with the Office of the Migration Agents Registration Authority (Office of the MARA)?

No

Yes ▶ Question 20

18 Is the person/agent in Australia?

No ▶ Question 20

Yes

19 Did you pay the person/agent and/or give a gift for this assistance?

No

Yes

Options for receiving written communications

For more information refer to Part A, pages 5–6

20 All written communications about this application should be sent to:
(Tick one box only)

Myself

OR

Authorised recipient ▶ You should complete form 956A *Appointment or withdrawal of an authorised recipient*

OR

Migration agent

OR

Exempt person ▶ Your migration agent/exempt person should complete form 956 *Advice by a migration agent/exempt person of providing immigration assistance*

Payment details

21 How will you pay your application charge?

Note: In Australia, debit card or credit card are the preferred methods of payment.

Bank cheque ▶ Please make payable to:
Department of Immigration and Citizenship

Money order

Debit card

Credit card ▶ Give details below

Payment by (tick one box)

MasterCard <input type="checkbox"/>	Diners Club <input type="checkbox"/>	Australian Dollars <input type="text"/>
American Express <input type="checkbox"/>	JCB <input type="checkbox"/>	
Visa <input type="checkbox"/>		

AUD

Credit card number

Expiry date MONTH / YEAR

Cardholder's name

Telephone number

(AREA CODE)

Address

POSTCODE

Signature of cardholder

Credit card information will be used for charge paying purposes only.

Applicant declaration

WARNING: Giving false or misleading information is a serious offence.

22 To be signed by all the persons named in Question 1

If any of the applicants who should answer this question and sign the declaration are under 15 years of age or lack legal authority to sign on their own behalf, a parent or guardian must sign on their behalf, except in the case of unaccompanied minors who may sign on their own behalf.

I declare that:

- The information I have supplied or caused to be supplied on or with this form is complete, correct and up-to-date in every detail.
- I understand that if I have given false or misleading information, my application may be refused, and any visa issued may be cancelled.
- I understand that if this application is approved, any person not included in this application will not have automatic right of entry to Australia because I am the holder of a Protection visa.
- in accordance with the Migration Act 1958, I undertake to inform the Department of Immigration and Citizenship of any changes to my personal circumstances (eg. relationship status, changes to the family composition including the birth of a child and change of name) while my application is being considered.
- I undertake to inform the Department of Immigration and Citizenship if I intend to change my address for more than 14 days while my application is being considered.
- I authorise the Australian Government to make any enquiries necessary to determine my eligibility for grant of a Protection (Class XA) visa in Australia, and to use any information supplied in this application for that purpose.
- I understand that information provided by me may be disclosed to third parties as outlined in **Part A Authority to disclose information**.
- I have read and understood the information supplied to me in this application.

Applicant 1 to answer and sign

Do you have your own claims for protection?

No You must complete a Part D

Yes You must complete a Part C

Signature of
Applicant 1

DAY MONTH YEAR

Date

Applicant 4 to answer and sign

Do you have your own claims for protection?

No You must complete a Part D

Yes You must complete a Part C

Signature of
Applicant 4

DAY MONTH YEAR

Date

Applicant 2 to answer and sign

Do you have your own claims for protection?

No You must complete a Part D

Yes You must complete a Part C

Signature of
Applicant 2

DAY MONTH YEAR

Date

Applicant 5 to answer and sign

Do you have your own claims for protection?

No You must complete a Part D

Yes You must complete a Part C

Signature of
Applicant 5

DAY MONTH YEAR

Date

Applicant 3 to answer and sign

Do you have your own claims for protection?

No You must complete a Part D

Yes You must complete a Part C

Signature of
Applicant 3

DAY MONTH YEAR

Date

Applicant 6 to answer and sign

Do you have your own claims for protection?

No You must complete a Part D

Yes You must complete a Part C

Signature of
Applicant 6

DAY MONTH YEAR

Date

Applicant 7 to answer and sign

Do you have your own claims for protection?

No You must complete a Part D

Yes You must complete a Part C

Signature of
Applicant 7

Date

DAY MONTH YEAR

Applicant 8 to answer and sign

Do you have your own claims for protection?

No You must complete a Part D

Yes You must complete a Part C

Signature of
Applicant 8

Date

DAY MONTH YEAR

▶▶ Once you have completed this part of the application form and signed the declaration, you should complete either Part C or Part D depending on the grounds on which you seek protection. These are:

- you have claims for protection; or
- you are a member of the same family unit of a person who has their own claims for protection.

We strongly advise that you keep a copy of your application and all attachments for your records.

Interpreter's declaration

23 If an interpreter was used in the preparation of this application, the interpreter must complete this declaration

I declare that:

I am competent in the English language and

(language)

I have faithfully interpreted all contents of this application form into the above language, including the applicant's declaration at Part B page 10, Part C page 14, and Part D page 6, as appropriate, and have faithfully interpreted the applicant's responses into English.

**Signature of
interpreter**

Date

DAY MONTH YEAR

Full name of interpreter

Business address of interpreter

POSTCODE

Interpreter number

Interpreter agency

This page is intentionally blank

C

Application for an applicant who wishes to submit their own claims for protection

PHOTOGRAPH

Please attach a recent passport size photograph of yourself



Australian Government
Department of Immigration and Citizenship

Application for a Protection (Class XA) visa

Form
866C

Please use a pen, and write neatly in English using BLOCK LETTERS.

Tick where applicable

You must answer ALL questions. If any question is not applicable, write 'N/A'. Failure to do so may lead to your application being considered invalid.

If you need more space to answer any questions, attach a sheet of paper giving the required details and include the part (Part C) and question number to which the information refers.

It is important that you include all details as a decision may be taken based on the information provided in your application only.

Details of applicant

Please staple a recent passport quality, passport size photograph to the form in the space provided in the top right corner of this page. The photograph must be certified in writing on the back or across the top of the photograph (without obliterating the image) that it is a true likeness of the applicant. The date must be included. A senior officer of the Department of Immigration and Citizenship (the department) may certify the photograph for detention cases.

For detail of who can certify your photograph, see page 2 of Part A, *How to make an application*.

1 What is your full name?

Family name

Given names

Applicant number (as shown in Question 1 on Part B)

2 Name in your own ethnic script or characters

3 What other ways do you spell or write your name?

Also write in your own script or characters (if applicable)

4 What other names have you been known by? (such as name before marriage, previous married name, alias) Also write in your own script or characters. If you changed your name, describe why and when you changed your name.

5 Boat identification number (if applicable)

6 Sex Male Female

7 If you are female, are you pregnant? No Yes

8 Date of birth DAY MONTH YEAR and age YEARS

9 Place of birth
Town/city
Province/State
Country

10 If you are called for an interview, will you need an interpreter?

No

Yes In which language(s) and dialect?

11 If you are called for an interview, are there any factors we will have to take into account (such as access for a disabled person)?

No

Yes Give details

12 Which languages do you speak, read or write (including English)?

Language/Dialect in order of preference	Speak	Read	Write
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

13 Ethnic group you belong to

14 Your religion (*if any*)

15 Your relationship status (*tick all that apply*)

Never married
or been in a
de facto
relationship

Engaged Date of intended marriage

Place of intended marriage

Married Date of marriage

Place of marriage

De facto When did the relationship begin?

Place where relationship began

Separated Date of separation

Place of separation

Divorced Date of divorce

Place of divorce

Widowed Date when became widowed

16 Your current residential address in Australia

Note: A post office box address is not acceptable as a residential address. Failure to give a residential address will result in your application being invalid.

 POSTCODE

17 Your current postal address in Australia (*if the same as residential address, please write 'same as residential'*)

 POSTCODE

18 Your telephone numbers

	COUNTRY CODE	AREA CODE	NUMBER
Office hours	()	()	
After hours	()	()	
Mobile/cell			

19 Do you agree to the department communicating with you by fax, e-mail, or other electronic means?

No
Yes Give details

Fax number

E-mail address

Citizenship

20 Your citizenship at birth

21 Your current citizenship (*if different to at birth*)

Date acquired

22 Do you hold any other citizenship or are you a national of any other country?

No
Yes Which countries?

23 Do you have a right to enter or reside in, whether temporarily or permanently, any country(s) other than your country(s) of nationality or your former country(s) of habitual residence?

No
Yes In which country(s)?

24 If you are stateless, how, when and why did you become stateless?
Note: A stateless person is not a national or a citizen of any country.

25 Do you receive or are you entitled to a pension or any regular income from any country?

No
Yes Give details

26 Do you still have military service obligations in your home country?

No

Yes Give details

31 Have you ever had, or used, any other passport or travel document?

No

Yes Give details

Type of document
(*eg. passport*)

Document number

Country of document

Name on passport

Where is it now?

Travel to Australia

27 Did you enter Australia as a

Visitor Transit passenger Student

Migrant Ship deserter Stowaway

Unauthorised

Other (*describe*)

32 Give details of the most recent Australian immigration visa granted to you (*if applicable*)

Type of visa

Visa number

Place of issue

28 Date of arrival in Australia DAY MONTH YEAR

29 Details of your current travel document

Type of document
(*eg. passport*)

Document number

Country of document

Date of issue DAY MONTH YEAR

Date of expiry

Issuing authority/
Place of issue as
shown in your
passport

Date of issue DAY MONTH YEAR

Valid until

30 Give details of the travel document you used to enter Australia
(*if different to your current travel document*)

Type of document
(*eg. passport*)

Document number

Country of document

Date of issue DAY MONTH YEAR

Date of expiry

Issuing authority/
Place of issue as
shown in your
passport

33 Details of countries of former habitual residence or transit before arrival in Australia

Country	Arrival date			Departure date			Status (use codes below)	If status was 'other' give details
	DAY	MONTH	YEAR	DAY	MONTH	YEAR		

If insufficient space, attach additional details

'Status' codes

C = Citizen **T** = Temporary resident **V** = Visitor **O** = Other
P = Permanent resident **S** = Student **R** = Refugee

34 Did you ever travel outside your home country or country of residence before your current journey to Australia?

No

Yes Give details

Country travelled to	Arrival date			Departure date			Reason for travel
	DAY	MONTH	YEAR	DAY	MONTH	YEAR	

If insufficient space, attach additional details

Previous addresses

35 Give details of all addresses OUTSIDE AUSTRALIA where you have lived for 6 months or more in the last 10 years

Country	Dates lived there		Address (specify city/town/village/refugee camp/country)
	FROM	TO	

If insufficient space, attach additional details

36 Give details of all addresses IN AUSTRALIA where you have lived for any period (*if applicable*)

Dates lived there		Address
MONTH	YEAR	
FROM		
TO		
FROM		
TO		
FROM		
TO		
FROM		
TO		
FROM		
TO		
FROM		
TO		

If insufficient space, attach additional details

Education

37 Give full details of all the education you have undertaken (in any country)

Total number of years

Dates		Name of school/institution	Address (<i>specify city/town/village</i>)	Country
MONTH	YEAR			
FROM				
TO				
FROM				
TO				
FROM				
TO				
FROM				
TO				
FROM				
TO				
FROM				
TO				
FROM				
TO				

If insufficient space, attach additional details

38 Give details of university, trade or similar qualifications you have obtained

Qualification	Year

If insufficient space, attach additional details

Employment history

39 Your occupation or profession before you came to Australia

40 Are you currently employed?

No

Yes Give details

Name and address of employer

POSTCODE

Employer's telephone number

COUNTRY CODE	AREA CODE	NUMBER
()	()	()

Number of hours of work per week

41 Give details of all your past employment

(For the periods you were not employed, show the reason, eg. studying, unemployed, national service, in prison, etc. Make sure that you cover the whole time since leaving school, except for your current employment)

	MONTH	YEAR	Employer's name and address OR show if studying, unemployed, in national service, in prison etc. <i>(specify city/town/village/region)</i>	Position/occupation	Monthly salary in local currency
FROM					
TO					
FROM					
TO					
FROM					
TO					
FROM					
TO					
FROM					
TO					
FROM					
TO					
FROM					
TO					
FROM					
TO					

If insufficient space, attach additional details

Your reasons for claiming protection

The reasons you give in this section should be **your** reasons only.

Other members of your family unit who have their own reasons for claiming protection should give their reasons on a separate Part C or may submit a separate application. Any member of the same family unit may request a separate interview with the department to discuss their claims.

You should answer all the following questions in your own words. You should tell us everything about why you think you are owed protection.

The decision maker will consider whether you will be harmed in the future if you are removed. It may be relevant to this assessment if you have been harmed in the past. However, you do not need to show that you have been harmed in the past to establish that you will be harmed in the future.

The decision maker will consider your claims for protection against the following criteria.

Your claims will first be assessed against the definition of a refugee and relevant Australian law.

Definition of Refugee

A refugee is defined by the *1951 United Nations Convention relating to the Status of Refugees*, and its *1967 Protocol* (Refugee Convention), as a person who: 'owing to a well founded fear of being persecuted for reasons of:

- race
- religion
- nationality
- membership of a particular social group,
- political opinion'

and

'is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.'

Other Relevant International Obligations

If you are not found to be a refugee, your claims will be assessed in accordance with relevant Australian law to see if there are substantial grounds for believing that, as a necessary and foreseeable consequence of you being removed from Australia to a receiving country, there is a real risk that you will suffer significant harm.

Significant harm is where a person will:

- be arbitrarily deprived of his or her life; or
- have the death penalty carried out on him or her; or
- be subjected to torture; or
- be subjected to cruel or inhuman treatment or punishment; or
- be subjected to degrading treatment or punishment.

You should, wherever possible, provide dates, locations and any evidence in respect of any events/occurrences you include in your claims.

It is important that you include all details as a decision may be taken based on the information provided in your application only.

- 42** I am seeking protection in Australia so that I do not have to go back to
(Give name of country or countries)

- 43** Why did you leave that country?

If insufficient space, attach additional details

44 Have you experienced harm in that country?

No

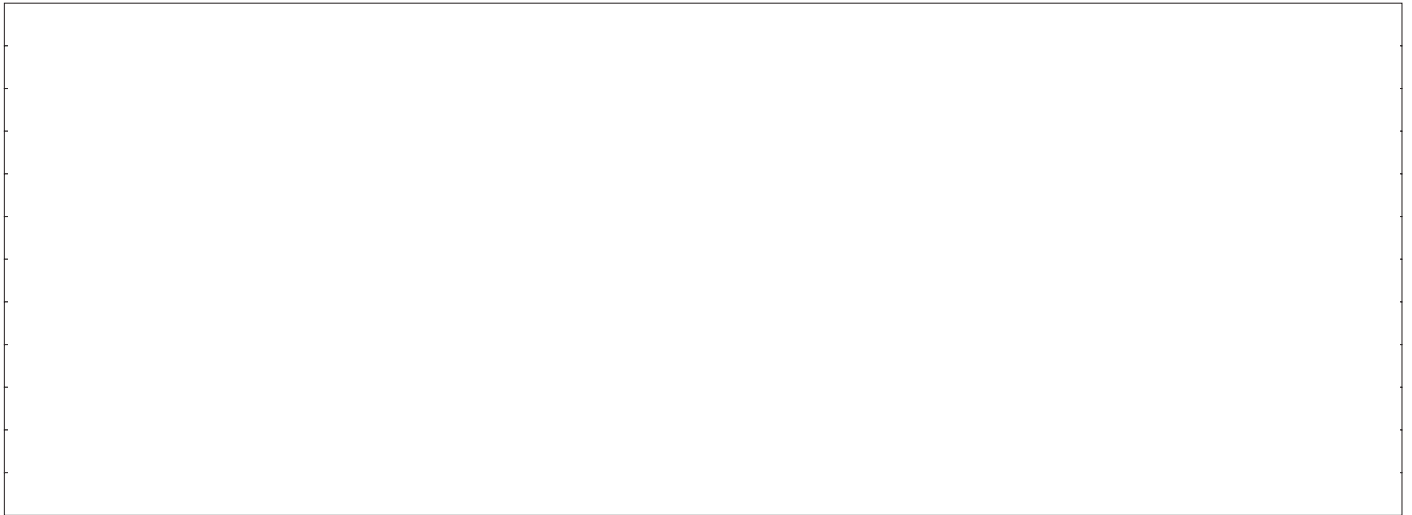
Yes Give details

If insufficient space, attach additional details

45 What do you fear may happen to you if you go back to that country?

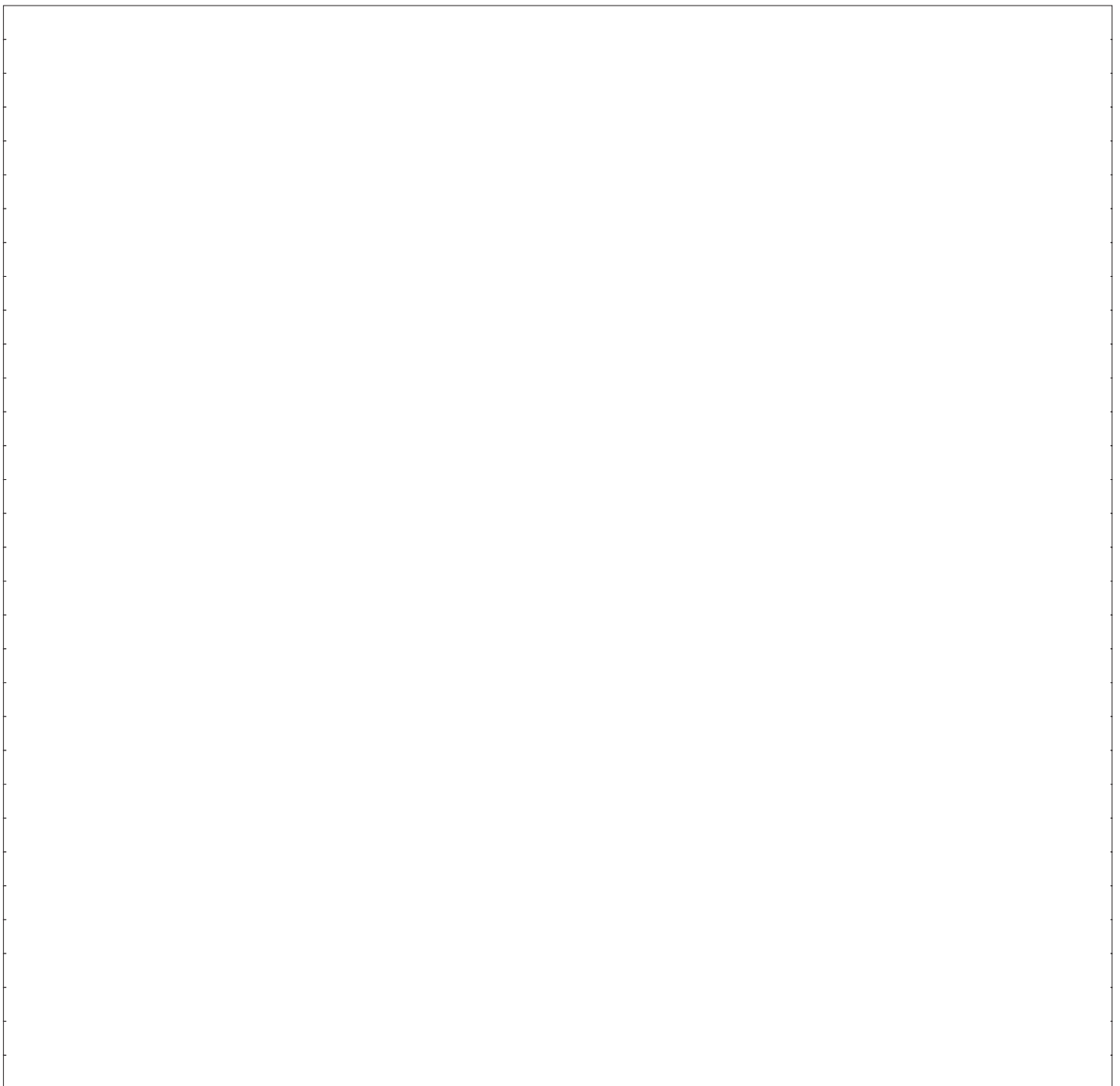
If insufficient space, attach additional details

46 Who do you think may harm/mistreat you if you go back?



If insufficient space, attach additional details

47 Why do you think this will happen to you if you go back?



If insufficient space, attach additional details

48 Do you think the authorities of that country can and will protect you if you go back?

No Why not?

Yes

If insufficient space, attach additional details

49 Do you have any documentary evidence to support your claim for protection (including but not limited to membership cards, court documents, photographs, press articles)?

No

Yes Give details of documents to be provided. If already provided give date provided.

If insufficient space, attach additional details

50 When did you leave your home country?

DAY	MONTH	YEAR
-----	-------	------

51 Airport or port of departure from your home country

52 How did you leave?

Legally Give details of your travel document and/or exit permit

Illegally Describe how you left, including the details of any fraudulent documents you used to leave

If insufficient space, attach additional details

53 Did you have difficulties obtaining a travel document (such as a passport) in your home country?

N/A

No

Yes Give details

If insufficient space, attach additional details

54 Has your travel document been extended by the authorities of your home country?

N/A

No

Yes When? (give dates)

Where? (city and country)

55 Do you have your travel document with you now?

No Where is it and why?

Yes

You are expected to provide documentary evidence of your identity, nationality and/or citizenship. If you cannot do so, and cannot provide a reasonable explanation of why you cannot, this may lead to doubts about the truthfulness of your claimed identity, nationality and/or citizenship.

56 Is your travel document valid for return to your home country?

No Why not?

Yes

57 Did you have to visit an Australian High Commission, Embassy or Consulate to obtain your visa?

No

Yes When?

DAY	MONTH	YEAR
-----	-------	------

In which city?

58 Were you interviewed in connection with the issue of your Australian visa?

No

Yes What reasons did you give for wanting to go to Australia?

59 Did you ever apply to migrate to any country other than Australia?

No

Yes To which country?

Date of application

DAY	MONTH	YEAR
-----	-------	------

Where did you apply? (city/country)

What was the outcome of your application?

60 Have you ever applied for refugee status or protection in any country other than Australia?

No

Yes ► In which country?

Date of application

DAY	MONTH	YEAR

What was the outcome of your application?

Name of any international agencies you registered with and dates

	DAY	MONTH	YEAR

61 Have you ever received assistance from the United Nations High Commissioner for Refugees (UNHCR)?

No

Yes ► Give details (*where/date/outcome*)

62 Are you registered with or have you had any contact with the Embassy, High Commission or Consulate or other representatives of any country, including your home country, in Australia?

No

Yes ► Give details

63 Are you in contact with relatives in your home country or any other country?

No

Yes ► Describe how you contact them and give any information which you think is relevant to your claim

64 Have you returned to your home country since arriving in Australia?

No

Yes ► When?

Why?

Did you return with the full knowledge of the authorities of your country?

No Yes

Did you re-enter your country legally?

No Yes

Which country issued the passport you used?

What type of visa did you use to enter your home country?

65 AUSTRALIAN VALUES STATEMENT

You must sign this statement if you are aged 18 years or over.

I confirm that I have read, or had explained to me, information provided by the Australian Government on Australian society and values.

I understand:

- *Australian society values respect for the freedom and dignity of the individual, freedom of religion, commitment to the rule of law, Parliamentary democracy, equality of men and women and a spirit of egalitarianism that embraces mutual respect, tolerance, fair play and compassion for those in need and pursuit of the public good;*
- *Australian society values equality of opportunity for individuals, regardless of their race, religion or ethnic background;*
- *the English language, as the national language, is an important unifying element of Australian society.*

I undertake to respect these values of Australian society during my stay in Australia and to obey the laws of Australia.

I understand that, if I should seek to become an Australian citizen:

- *Australian citizenship is a shared identity, a common bond which unites all Australians while respecting their diversity;*
- *Australian citizenship involves reciprocal rights and responsibilities. The responsibilities of Australian citizenship include obeying Australian laws, including those relating to voting at elections and serving on a jury.*

If I meet the legal qualifications for becoming an Australian citizen and my application is approved I understand that I would have to pledge my loyalty to Australia and its people.

Signature of applicant

Part C, Schedule A – Details of any convictions, charges, investigations or crimes committed

66 This Schedule is to be filled out if you:

- have been convicted of a crime or any offence in any country;
- are aware you are the subject of any criminal investigation or have criminal charges pending against you;
- have committed a serious crime but have not been charged;
- have had any involvement in crimes against humanity (including war crimes and genocide).

When completing this schedule, please include relevant dates and the country where the crime occurred or where the conviction, charge or investigation was incurred.

Crime/Offence

Please give details of any crime or offence that you have been convicted of

Crime/Offence	Date of conviction			Country
	DAY	MONTH	YEAR	

Criminal investigation

Please give details of any criminal investigation you are the subject of that you are aware of

Reason for investigation	Country

Criminal charges pending

Please give details of any criminal charges currently pending against you

Charge	Country

Involvement in crimes against humanity (including war crimes and genocide)

Type of involvement	Year	Country

Involvement in serious crimes

Type of involvement	Year	Country

Applicant's declarations

Character Test

Character Test is defined at section 501 of the *Migration Act 1958* as follows:

- (6) For the purposes of this section, a person does not pass the 'character test' if:
- (a) the person has a substantial criminal record (as defined in subsection (7)); or
 - (b) the person has or has had an association with someone else, or with a group or organisation, whom the Minister reasonably suspects has been or is involved in criminal conduct; or
 - (c) having regard to either or both of the following:
 - (i) the person's past and present criminal conduct;
 - (ii) the person's past and present general conduct;
 - (iii) the person is not of good character; or
 - (d) in the event the person were allowed to enter or to remain in Australia, there is a significant risk that the person would:
 - (i) engage in criminal conduct in Australia; or
 - (ii) harass, molest, intimidate or stalk another person in Australia; or
 - (iii) vilify a segment of the Australian community; or
 - (iv) incite discord in the Australian community or in a segment of that community; or
 - (v) represent a danger to the Australian community or to a segment of that community, whether by way of being liable to become involved in activities that are disruptive to, or in violence threatening harm to, that community or segment, or in any other way.

Otherwise, the person passes the 'character test'.

Substantial criminal record

- (7) For the purposes of the character test, a person has a 'substantial criminal record' if:
- (a) the person has been sentenced to death; or
 - (b) the person has been sentenced to imprisonment for life; or
 - (c) the person has been sentenced to a term of imprisonment of 12 months or more; or
 - (d) the person has been sentenced to 2 or more terms of imprisonment (whether on one or more occasions), where the total of those terms is 2 years or more; or
 - (e) the person has been acquitted of an offence on the grounds of unsoundness of mind or insanity, and as a result the person has been detained in a facility or institution.

Please refer to the *Migration Act 1958* for further details in regard to section 501.

67 DECLARATION

Note: Section 11 of the *Statutory Declarations Act 1959* provides that 'a person must not wilfully make a false statement in a statutory declaration', and provides a maximum penalty of 4 years imprisonment.

WARNING: Giving false or misleading information is a serious offence.

Please read and sign this declaration

I, (1)

do solemnly declare:

- The information I have supplied or caused to be supplied on or with this Part C of the form 866 is complete, correct and up-to-date in every detail.
- I have never been convicted of a crime or any offence in any country except as shown in Schedule A.
- To the best of my knowledge, I am not the subject of any criminal investigation, and there are no criminal charges pending against me except as shown in Schedule A.
- I have not been acquitted of an offence on the grounds of unsoundness of mind or insanity.
- I do not have any spent convictions under any spent convictions legislation in any country or any convictions on my police record.
- I have not been involved in war crimes or crimes against humanity such as killing, torture, enslavement, starvation or other inhumane acts committed against civilians or prisoners of war.
- I have never been associated with anyone else who has been or could reasonably be suspected to have been, or is, involved in any activities referred to above.
- To the best of my knowledge I do not have any matters which are either unresolved or in which I have been, or am involved, that would bring into question whether or not I pass the Character Test (see explanation this page) as defined at section 501 of the Migration Act 1958.
- I understand that if I have given false or misleading information, my application may be refused, and any visa issued may be cancelled.
- I understand that if this application is approved, any person not included in this application will not have automatic right of entry to Australia because I am the holder of a Protection visa.
- In accordance with the Migration Act 1958, I undertake to inform the Department of Immigration and Citizenship of any changes to my personal circumstances (eg. relationship status, changes to the family composition including the birth of a child and change of name) while my application is being considered.
- I undertake to inform the Department of Immigration and Citizenship if I intend to change my address for more than 14 days while my application is being considered.
- I authorise the Australian Government to make any enquiries necessary to determine my eligibility for grant of a Protection (Class XA) visa in Australia, and to use any information supplied in this application for that purpose.

Notes

- (1) Here insert name, address and occupation of the person making the declaration.

- I consent to the Australian Government making inquiries with the relevant authorities regarding my immigration status in those countries, in which the Australian Government suspects that I may have temporarily or permanently resided in, other than the country(s) I claim to fear persecution from.
- I understand that my personal identifiers and my biographical information held by the Department of Immigration and Citizenship may be given to Australian law enforcement agencies to help identify me, to help determine my eligibility for grant of a Protection visa and for law enforcement purposes. I consent to:
 - Australian law enforcement agencies disclosing my personal identifiers and biographical and criminal record information to the Department of Immigration and Citizenship for any of the purposes outlined above; and
 - the Department of Immigration and Citizenship using the information obtained for the purposes of the Migration Act 1958 or the Australian Citizenship Act 2007.

And I make this solemn declaration by virtue of the Statutory Declaration Act 1959, and subject to the penalties provided by the Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

(2)

declared at

on the day of

Before me,
(3)

(4)

We strongly advise that you keep a copy of your application and all attachments for your records.

Notes

- (2) Signature of person making declaration.
- (3) Signature of person before whom declaration is made (a person employed by the Commonwealth for a continuous period of 5 years or more is a person before whom the declaration may be made). The department can advise of other people eligible to witness this Statutory Declaration if necessary.
- (4) Here insert title of person before whom the declaration is made (eg. public servant referred to at note 3 above).

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D

Application for a member of the family unit

This part is for a member of the same family unit who does NOT have their own claims for protection, but is included in this application.

If you DO have your own claims for protection, complete a Part C instead.

PHOTOGRAPH

Please attach a recent passport size photograph of yourself



Australian Government
Department of Immigration and Citizenship

Application for a Protection (Class XA) visa

Form
866D

Please use a pen, and write neatly in English using BLOCK LETTERS.

Tick where applicable

You must answer ALL questions. If any question is not applicable, write 'N/A'. Failure to do so may lead to your application being considered invalid.

If you need more space to answer any questions, attach a sheet of paper giving the required details and include the part (Part D) and question number to which the information refers.

It is important that you include all details as a decision may be taken based on the information provided in your application only.

Details of applicant

Please staple a recent passport quality, passport size photograph to the form in the space provided in the top right corner of this page. The photograph must be certified in writing on the back or across the top of the photograph (without obliterating the image) that it is a true likeness of the applicant. The date must be included. A senior officer of the Department of Immigration and Citizenship (the department) may certify the photograph for detention cases.

For detail of who can certify your photograph, see page 2 of Part A, *How to make an application*.

1 What is your full name?

Family name

Given names

Applicant number (as shown in Question 1 on Part B)

2 Name in your own ethnic script or characters

3 What other ways do you spell or write your name?

Also write in your own script or characters (if applicable)

4 What other names have you been known by?

(such as name before marriage, previous married name, alias)

Also write in your own script or characters. If you changed your name, describe why and when you changed your name.

5 Boat identification number (if applicable)

6 Sex Male Female

7 If you are female, are you pregnant? No Yes

8 Date of birth DAY MONTH YEAR and age YEARS

9 Place of birth

Town/city

Country

10 Are you under 18 years of age?

No

Yes Names of the persons who have care and legal custody of you

Does any other person not included in this application have custodial, access or guardianship rights to you?

No Yes

11 If you are called for an interview, will you need an interpreter?

No

Yes In which language(s) and dialect?

12 If you are called for an interview, are there any factors we will have to take into account (such as access for a disabled person)?

No

Yes Give details

13 Which languages do you speak, read or write (including English)?

Language/Dialect in order of preference	Speak	Read	Write
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14 Ethnic group you belong to

15 Your religion (if any)

16 Your relationship status

Married Separated Never married or
 Engaged Divorced been in a de facto
 De facto Widowed relationship

17 Your current residential address in Australia (if the same as applicant 1, please write 'same as applicant 1')

Note: A post office box address is not acceptable as a residential address. Failure to give a residential address will result in your application being invalid.

<input type="text"/>
<input type="text"/>
POSTCODE

Citizenship

18 Your citizenship at birth

19 Your current citizenship (if different to at birth)

Date acquired

20 Do you hold any other citizenship or are you a national of any other country?

No

Yes Which countries?

Travel to Australia

21 Give details of the travel document you used to enter Australia

Type of document (eg. passport)

Document number

Country of document

Date of issue

Date of expiry

Issuing authority/
Place of issue as shown in your passport

22 Have you ever had, or used, any other passport or travel document?

No

Yes Give details

Type of document (eg. passport)

Document number

Country of document

Name on passport

Where is it now?

23 Details of countries of former habitual residence or transit before arrival in Australia

Country	Arrival date			Departure date			Status (use codes below)	If status was 'other' give details
	DAY	MONTH	YEAR	DAY	MONTH	YEAR		

If insufficient space, attach additional details

'Status' codes			
C = Citizen	T = Temporary resident	V = Visitor	O = Other
P = Permanent resident	S = Student	R = Refugee	

24 Did you ever travel outside your home country or country of residence before your current journey to Australia?

No

Yes Give details

Country travelled to	Arrival date			Departure date			Reason for travel
	DAY	MONTH	YEAR	DAY	MONTH	YEAR	

If insufficient space, attach additional details

Education

25 Give full details of all the education you have undertaken (in any country)

Total number of years

Dates		Name of school/institution	Address (specify city/town/village)	Country
FROM	TO			

If insufficient space, attach additional details

26 Give details of university, trade or similar qualifications you have obtained

Qualification	Year

If insufficient space, attach additional details

Employment history

27 Your occupation or profession before you came to Australia

28 Are you currently employed?

No

Yes Give details

Name and address of employer

POSTCODE

Employer's telephone number

COUNTRY CODE AREA CODE NUMBER

() ()

Number of hours of work per week

29 AUSTRALIAN VALUES STATEMENT

You must sign this statement if you are aged 18 years or over.

I confirm that I have read, or had explained to me, information provided by the Australian Government on Australian society and values.

I understand:

- Australian society values respect for the freedom and dignity of the individual, freedom of religion, commitment to the rule of law, Parliamentary democracy, equality of men and women and a spirit of egalitarianism that embraces mutual respect, tolerance, fair play and compassion for those in need and pursuit of the public good;
- Australian society values equality of opportunity for individuals, regardless of their race, religion or ethnic background;
- the English language, as the national language, is an important unifying element of Australian society.

I undertake to respect these values of Australian society during my stay in Australia and to obey the laws of Australia.

I understand that, if I should seek to become an Australian citizen:

- Australian citizenship is a shared identity, a common bond which unites all Australians while respecting their diversity;
- Australian citizenship involves reciprocal rights and responsibilities. The responsibilities of Australian citizenship include obeying Australian laws, including those relating to voting at elections and serving on a jury.

If I meet the legal qualifications for becoming an Australian citizen and my application is approved I understand that I would have to pledge my loyalty to Australia and its people.

Signature of applicant

Part D, Schedule A – Details of any convictions, charges, investigations or crimes committed

30 This Schedule is to be filled out if you:

- have been convicted of a crime or any offence in any country;
- are aware you are the subject of any criminal investigation or have criminal charges pending against you;
- have committed a serious crime but have not been charged;
- have had any involvement in crimes against humanity (including war crimes and genocide).

When completing this schedule, please include relevant dates and the country where the crime occurred or where the conviction, charge or investigation was incurred.

Crime/Offence

Please give details of any crime or offence that you have been convicted of

Crime/Offence	Date of conviction			Country
	DAY	MONTH	YEAR	

Criminal investigation

Please give details of any criminal investigation you are the subject of that you are aware of

Reason for investigation	Country

Criminal charges pending

Please give details of any criminal charges currently pending against you

Charge	Country

Involvement in crimes against humanity (including war crimes and genocide)

Type of involvement	Year	Country

Involvement in serious crimes

Type of involvement	Year	Country

Applicant's declarations

Character Test

Character Test is defined at section 501 of the *Migration Act 1958* as follows:

- (6) For the purposes of this section, a person does not pass the 'character test' if:
- (a) the person has a substantial criminal record (as defined in subsection (7)); or
 - (b) the person has or has had an association with someone else, or with a group or organisation, whom the Minister reasonably suspects has been or is involved in criminal conduct; or
 - (c) having regard to either or both of the following:
 - (i) the person's past and present criminal conduct;
 - (ii) the person's past and present general conduct;
 - (iii) the person is not of good character; or
 - (d) in the event the person were allowed to enter or to remain in Australia, there is a significant risk that the person would:
 - (i) engage in criminal conduct in Australia; or
 - (ii) harass, molest, intimidate or stalk another person in Australia; or
 - (iii) vilify a segment of the Australian community; or
 - (iv) incite discord in the Australian community or in a segment of that community; or
 - (v) represent a danger to the Australian community or to a segment of that community, whether by way of being liable to become involved in activities that are disruptive to, or in violence threatening harm to, that community or segment, or in any other way.

Otherwise, the person passes the 'character test'.

Substantial criminal record

- (7) For the purposes of the character test, a person has a 'substantial criminal record' if:
- (a) the person has been sentenced to death; or
 - (b) the person has been sentenced to imprisonment for life; or
 - (c) the person has been sentenced to a term of imprisonment of 12 months or more; or
 - (d) the person has been sentenced to 2 or more terms of imprisonment (whether on one or more occasions), where the total of those terms is 2 years or more; or
 - (e) the person has been acquitted of an offence on the grounds of unsoundness of mind or insanity, and as a result the person has been detained in a facility or institution.

Please refer to the *Migration Act 1958* for further details in regard to section 501.

31 DECLARATION

Note: Section 11 of the *Statutory Declarations Act 1959* provides that 'a person must not wilfully make a false statement in a statutory declaration', and provides a maximum penalty of 4 years imprisonment.

WARNING: Giving false or misleading information is a serious offence.

Please read and sign this declaration

I, (1)

do solemnly declare:

- The information I have supplied or caused to be supplied on or with this Part D of the form 866 is complete, correct and up-to-date in every detail.
- I have never been convicted of a crime or any offence in any country except as shown in Schedule A.
- To the best of my knowledge, I am not the subject of any criminal investigation, and there are no criminal charges pending against me except as shown in Schedule A.
- I have not been acquitted of an offence on the grounds of unsoundness of mind or insanity.
- I do not have any spent convictions under any spent convictions legislation in any country or any convictions on my police record.
- I have not been involved in war crimes or crimes against humanity such as killing, torture, enslavement, starvation or other inhumane acts committed against civilians or prisoners of war.
- I have never been associated with anyone else who has been or could reasonably be suspected to have been, or is, involved in any activities referred to above.
- To the best of my knowledge I do not have any matters which are either unresolved or in which I have been, or am involved, that would bring into question whether or not I pass the Character Test (see explanation this page) as defined at section 501 of the *Migration Act 1958*.
- I understand that if I have given false or misleading information, my application may be refused, and any visa issued may be cancelled.
- I understand that if this application is approved, any person not included in this application will not have automatic right of entry to Australia because I am the holder of a Protection visa.
- In accordance with the *Migration Act 1958*, I undertake to inform the Department of Immigration and Citizenship of any changes to my personal circumstances (eg. relationship status, changes to the family composition including the birth of a child and change of name) while my application is being considered.
- I undertake to inform the Department of Immigration and Citizenship if I intend to change my address for more than 14 days while my application is being considered.
- I authorise the Australian Government to make any enquiries necessary to determine my eligibility for grant of a Protection (Class XA) visa in Australia, and to use any information supplied in this application for that purpose.

Notes

- (1) Here insert name, address and occupation of the person making the declaration.

- I consent to the Australian Government making inquiries with the relevant authorities regarding my immigration status in those countries, in which the Australian Government suspects that I may have temporarily or permanently resided in, other than the country(s) I claim to fear persecution from.
- I understand that my personal identifiers and my biographical information held by the Department of Immigration and Citizenship may be given to Australian law enforcement agencies to help identify me, to help determine my eligibility for grant of a Protection visa and for law enforcement purposes. I consent to:
 - Australian law enforcement agencies disclosing my personal identifiers and biographical and criminal record information to the Department of Immigration and Citizenship for any of the purposes outlined above; and
 - the Department of Immigration and Citizenship using the information obtained for the purposes of the Migration Act 1958 or the Australian Citizenship Act 2007.

And I make this solemn declaration by virtue of the Statutory Declaration Act 1959, and subject to the penalties provided by the Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

(2)

declared at

on the day of

Before me,
(3)

(4)

We strongly advise that you keep a copy of your application and all attachments for your records.

Notes

- (2) Signature of person making declaration.
- (3) Signature of person before whom declaration is made (a person employed by the Commonwealth for a continuous period of 5 years or more is a person before whom the declaration may be made). The department can advise of other people eligible to witness this Statutory Declaration if necessary.
- (4) Here insert title of person before whom the declaration is made (eg. public servant referred to at note 3 above).