

Protection visa

Change the conversation on **Protection visas**



A Protection visa (subclass 866) is for genuine asylum seekers facing a real risk of significant harm or persecution in their home country.

The Australian Government is now providing **access to free legal advice** for people thinking about applying for a Protection visa. This advice will help possible applicants to find out if they may be eligible, and reduce the risks of people using an unregistered migration adviser who may be providing incorrect advice.

This fact sheet provides essential information and important details for those thinking about applying for a Protection visa.

What are the facts?



Protection visas are for **genuine asylum seekers** – they are not for people who just want to stay in Australia to work



Providing false information in a Protection visa application can lead to **jail and big fines**



If your Protection visa application is refused, it may be harder for you or your family to **ever return to Australia**



The average refusal rate for a Protection visa **is above 85%**



Do not let anyone apply for a Protection visa for you without understanding what you are applying for and what information is being provided



You must make sure everything in your application is true, even if someone else completes it for you

Eligibility

Protection visas are for people (or their family members) **who face a real risk of significant harm** if they return home or a real chance of persecution on the grounds of:

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

Misinformation

There is a lot of misinformation about Protection visas being provided to people living in Australia and overseas, which could have **serious consequences** for Protection visa applicants and their families. Protection visas are for asylum seekers. They are **not** for people who just want to stay longer in Australia to work.

Most new Protection visa applications are now being decided **almost 8 times faster** compared to recent years.

Providing false or misleading information

It is important to understand that if you provide false documents or give false or misleading information in a Protection visa application, **you could face a large fine** and up to **10 years in jail**.

If you are refused a Protection visa

If your Protection visa application is refused and you do not hold a valid visa, **you will need to leave Australia**. If you do not have a valid visa, you may be **detained and removed** from Australia by the **Australian Border Force**.

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Don't apply for a Protection visa without first seeking [free legal advice](#) from a specialist refugee and immigration legal provider.



Things to remember

- Access [free legal advice](#) from **specialist refugee and immigration** legal providers in your state or territory
- To find out **more information** on Protection visas, go to homeaffairs.gov.au/protection
- Search for a **registered migration agent** to ensure your immigration advice is legal by visiting the [Office of the Migration Agents Registration Authority \(OMARA\)](#)
- Protect yourself and your community. **Report unregistered migration advisers** anonymously to [Australia's Border Watch](#)
- Find out whether **alternative visa options** are appropriate for you, visit the [Visa Finder webpage](#) on the Home Affairs website

Consequences of a refused application

A refused Protection visa application in Australia **stays on your immigration record**, which might make it harder for you and your family to visit Australia in the future. It may also impact future visa applications to other countries around the world, depending on the type of visa you are applying for. **You will not be allowed** to apply for most other visas while still in Australia.

Migration agents

In Australia, **migration agents must be registered** with the [Office of the Migration Agents Registration Authority \(OMARA\)](#). You can visit the website to **check if an agent is registered**.

It is **illegal** for a person to charge for migration advice unless they are a registered migration agent or Australian legal practitioner. Paying for advice from a person who is not a registered migration agent or Australian legal practitioner might see you acting on incorrect information, potentially **risking any chance you have of staying** in Australia.

Unregistered migration advisers often advertise their services on social media and in online chat groups. They sometimes tell applicants to give false or misleading information or to provide false documents when applying for a Protection visa, and **some charge a lot of money** for this incorrect advice.

If someone tries to give you **unlawful immigration advice**, you can tell us by using the [Border Watch Online Report](#). You do not have to give your name.

Role of communities

Communities living in Australia have an important role to play in **preventing the spread of misinformation** to those who are considering applying for a Protection visa, including informing possible applicants of the fact that **a Protection visa is not a work visa**.

Communities can help to spread awareness about the **risks of submitting false or misleading information** in a Protection visa application, and engaging an unregistered migration adviser.

If someone applying for a Protection visa asks you to write a support letter for them, you should only do this if you believe the person an **asylum seeker** facing a real risk of significant harm or they face a real chance of persecution if they return home.

Encourage the person to access [free legal advice](#) from a specialist refugee and immigration legal provider in their state or territory.



Visit homeaffairs.gov.au/protection to find out more



Australian Government