

# Humanitarian visa options for people from Ukraine

## fact SHEET

This factsheet provides general advice for people applying under the humanitarian program. For advice about applications in the Family program, such as partner visas, you should speak with a lawyer or migration agent about your particular circumstances. **It is general information only and is current at 1 May 2022.**

### Extension of visas for people here on or before 23 February 2022

If you were in Australia on some temporary work visas, student visas or visitor visas on 23 February 2022, and your visa would have expired before 1 July 2022, that visa has been extended for six months from the date it would have otherwise finished. So, if your visa was to expire on 30 May, it will now be extended six months from that date.

You do not need to do anything to get this extension; it will happen automatically.

### Visitor visa conditions

The Department of Home Affairs has announced the grant of approximately 6,000 temporary visas to people from Ukraine since 23 February. Many of these visas are visitor visas (subclass 600). There are conditions attached to these visas that mean people cannot work, study, get Medicare, or Centrelink.

In May 2022 the Commonwealth government announced that people holding Subclass 600 visas would have access to public hospital services. This means that even without a Medicare card, people can access basic health care through the public hospital system. This does not include services through GPs or clinics, only public hospitals.

If you have school aged children, they can attend public school free of charge. This applies to primary and high school.

### What help can a person on a temporary visa get?

The Department of Home Affairs has announced that it will provide some support to Ukrainians through the Humanitarian support Program (HSP). Only people who hold a visitor visa (Subclass 600) or a temporary humanitarian visa (a Subclass 786 or a Subclass 449) can get this assistance. This could include some limited financial assistance.

In Sydney, Coffs Harbour, Newcastle and Armidale, the HSP organisation funded to help people is Settlement Services International (SSI). If you need assistance, you should contact SSI via email at [ukrainian.support@ssi.org.au](mailto:ukrainian.support@ssi.org.au) or by phone on 02 9685 0100.

In all other areas of NSW, support will be provided through the Australian Red Cross who can be contacted via email on [settlement@redcross.org.au](mailto:settlement@redcross.org.au).

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## Moving from visitor visas to temporary humanitarian visas

The Department of Home Affairs announced in March that all Ukrainians in Australia, as well as those that arrive in the coming months, who hold a temporary visa (except a Maritime visa) will be offered a temporary humanitarian visa. This is the *Temporary (Humanitarian Concern) Subclass 786* visa.

### Who is eligible for a temporary humanitarian visa?

A person is only eligible for the Subclass 786 visa if they:

- are a citizen of Ukraine
- are in Australia when they accept the offer of the visa
- hold a temporary visa other than a Maritime Crew (subclass 988) visa.

If you were granted a Subclass 449 visa when you were outside of Australia and have since travelled to Australia, you are also eligible for the Subclass 786 visa.

### How do you get the Subclass 786 visa?

- There is no application form or application fee for the Subclass 786 visa.
- You will automatically be offered the visa if you are eligible.
- To accept the offer, you must provide your details on the webform is on the Department of Home Affairs website. Here is a link to the [webform](#).
- You will need a scanned copy of your passport or travel document to upload as part of the form.
- You also need your visa number.
- Because of the way the law works, you will be granted a Subclass 449 visa first. If there are any further details that the Department of Home Affairs requires before moving you to a Subclass 786 visa, they will let you know via email. This may include a request for you to have health and character checks.
- All communication with you will be via email so you must have an email address that you can access and check regularly.
- Once you have completed the health checks (if requested) and the character declaration (if requested), the Government will grant the subclass 786 visa.

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## Following the grant of a Subclass 786 visa

- The subclass 786 visa will be granted for three years only. At the end of that period, unless there has been a substantial change in circumstances, you will be expected to leave Australia.
- The Subclass 786 visa allows you to work and undertake English language classes under the Adult Migrant English Program. You will get access to Medicare and some Centrelink payments.
- School aged children will be able to attend school free of charge.
- People who hold temporary humanitarian visas are not able to access government support to attend university or TAFE. They will need to pay international student fees, unless they are able to access scholarships that some universities might offer.
- You will be eligible to access further settlement support through the HSP provider. This will be either SSI or Australian Red Cross, depending on where you are living in NSW.

## How long will it take to get the Subclass 786 visa?

As at 2 May, there is no information about the timeframe and how long it might take to move from a visitor visa to a Subclass 786 visa. However, it is likely that people will be granted the Subclass 786 visa just before their current visa expires.

## Can I sponsor family once I have a SC 786 visa?

You cannot sponsor family whilst you are the holder of any temporary visa, including a SC 786 visa. This means that if you have immediate family members still overseas, like a dependent child or a partner, they will need to go through the same process that you have in order to come to Australia and try to get either a Subclass 449 visa or a Subclass 600 visa to join you.

## Other visas that you can apply for?

You should get advice about your particular circumstances before you make an application for **any** visa.

For some people, the only available visa for them will be the Subclass 786 visa. For those people who have entered Australia on a Subclass 449 visa, or who have been given a Subclass 449 visa after arriving on a Subclass 600 Tourist visa, they will not be able to apply for anything other than a Subclass 786 visa, unless they get the permission of the Minister for Immigration, which is very difficult to get.

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## Permanent Protection (Refugee) visa

If you now hold, or have ever held, a Subclass 449 visa then you cannot apply for a permanent Protection (subclass 866) visa in Australia.

For those people who are still on another type of temporary visa, they *may* be eligible to apply for a permanent Protection visa. However, there are other factors that need to be considered before deciding to make this application. To get a Protection visa you must prove that you fear persecution for a particular reason (called a *Convention* reason) – race, religion, nationality, membership of a particular social group or political opinion or that you engage *complementary protection* obligations (see below).

A further issue that you need to address is whether you have effective protection from another country. The European Union, and in particular Poland, has accepted a very large number of Ukrainians. If you have a right to reside, even temporarily, in a country that is safe, you may not be able to get permanent protection in Australia.

## Complementary Protection

This means that there is a real risk that the person would suffer *significant harm* in Ukraine. *Significant harm* means being arbitrarily deprived of their life, subject to torture, degrading treatment or punishment, or cruel or inhuman treatment.

Just being afraid of generalised harm which is directed at everybody indiscriminately is not enough to get a Protection Visa. The harm has to be directed to you, personally, and not the entire population of Ukraine generally. In the case of Ukraine, it might be difficult to overcome this last point because much of the violence is being directed at people indiscriminately.

For both complementary protection and for claims under the Convention, you must also prove that it is not safe anywhere in Ukraine. If the area that you are from is unsafe, then you must also prove that there is no other place in Ukraine that you can relocate to.

## How can people get legal advice?

For free legal help you can call us on 8713 6725 or email us at [refugeeservice@legalaid.nsw.gov.au](mailto:refugeeservice@legalaid.nsw.gov.au)  
If you need an interpreter, call TIS on 131 450 and ask them to call 8713 6725

This factsheet is intended as a general guide to the law. Do not rely on this information as legal advice. We recommend you talk to a lawyer about your situation. This information is correct at the time of writing, however, it may change.

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