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Further information for Afghan evacuees in Australia

Extension of Humanitarian Stay (Temporary) (subclass 449) visas for evacuees in Australia

On 12 November 2021, the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, the Hon Alex Hawke MP extended the subclass 449 visas granted to all Afghan evacuees who arrived in Australia prior to that date. These visas are now valid until 30 November 2022.

This visa extension provides certainty around the immigration status for this group, while they pursue a permanent visa pathway.

Eligibility for Australian Government benefits

Subclass 449 visa holders in Australia are eligible for certain payments and concession cards, including Special Benefit, Family Tax Benefit, Dad and Partner Pay, and Parental Leave Pay, and the Health Care Card.

In addition, individuals granted a subclass 449 visa on or after 19 August 2021 due to the deteriorating security situation in Afghanistan are eligible for Medicare. This covers all individuals granted a subclass 449 visa in association with the evacuation.

This group will retain the same access to Australian government services and entitlements for the period their subclass 449 visa remains in effect.

Based on their level of assessed need, evacuees may also be eligible to continue to receive support from the Humanitarian Settlement Program (HSP) for up to 18 months.

Permanent visas for Afghan evacuees in Australia

Information for evacuees who have already applied for a permanent visa

The Department will continue to process any valid permanent visa applications made by subclass 449 visa holders, such as for Family, Skilled or Humanitarian visas.

All visa applicants must meet the requirements in the migration legislation, such as family relationship, health, character and identity criteria, before a visa can be granted.

All visa applications will be considered on their individual merits.

Permanent visa applications often cannot be processed quickly, because of the need to consider the visa application against a range of criteria in migration law.

Some Family visa categories are subject to capping and queuing arrangements and, in some circumstances, Family visa applicants may be required under legislation to be located in or outside Australia at the time of visa grant.

Where such circumstances arise, the Department will contact affected applicants.

Information for evacuees who have not yet applied for a permanent visa

Australia's migration law has been changed to allow Afghan subclass 449 holders in Australia to make a valid application for a Refugee and Humanitarian (Class XB) visa in Australia.

This is in addition to other permanent visa options that may already be open to them depending on their circumstances, including Skilled and Family visa options.

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This change was made to align, to the extent practicable, permanent visa outcomes for this group with what they would likely have received through the Humanitarian Program, had their urgent and immediate evacuation from Afghanistan not been required.

This permanent visa pathway is only available to the Afghan evacuee cohort in Australia.

- Individuals who arrive lawfully in Australia who engage Australia's protection obligations may be eligible for a permanent Protection (Subclass 866) visa,
 - Unlawful arrivals who engage Australia's protection obligations are only eligible for temporary protection.
- Afghans outside Australia may be eligible for a Refugee and Humanitarian (Class XB) visa.

Afghan evacuees who do not already have a permanent visa application being considered by the Department will be contacted in due course with further information about how to apply for a Refugee and Humanitarian (Class XB) visa.

Subclass 449 visa holders will not be able to apply for a Refugee and Humanitarian (Class XB) visa straight away, due to administrative steps that will need to be undertaken by the Department.

Individuals must still meet all other visa criteria to be granted a Refugee and Humanitarian visa.

Information about this visa is available at <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/refugee-200>

The application form is available at <https://immi.homeaffairs.gov.au/form-listing/forms/842.pdf>

We strongly encourage subclass 449 holders who intend to pursue this permanent visa pathway to review the information and start to prepare their application now. Once the Department notifies eligible subclass 449 visa holders that they can apply, they will be required to lodge an application within seven working days.

The Department is writing to affected people to provide further information about the next steps in the visa application process.

Further information will also be made available on the Department's website.

Legal assistance for Afghan evacuees to apply for a permanent visa

The Government has committed \$6.4 million to support evacuees on subclass 449 visas to transition to permanent visas.

This funding will boost the capacity of specialist legal services to support evacuees to transition from these emergency, temporary visas to permanent visas.

The legal assistance includes independent advice to assist evacuees in deciding which visa is best for them, and to help with preparing their visa application.

The list of legal service providers will be made available on the Department's website. More legal service providers will be added to this list over time, and people are encouraged to check the website regularly to stay up to date on service providers in their area.

Staying in contact with the Department of Home Affairs

Subclass 449 holders in Australia should provide their current contact details to the Department of Home Affairs, and tell us if your contact details change in future. We need your contact details so that we can give you information about your immigration status and the progress of any visa application.

Contact details can be updated through the Department's website at <https://immi.homeaffairs.gov.au/change-in-situation/contact-details>