

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?

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
	MONTH YEAR			
FROM	/			
TO	/			
FROM	/			
TO	/			
FROM	/			
TO	/			
FROM	/			
TO	/			
FROM	/			
TO	/			

If insufficient space, attach additional details

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).