



The Special Humanitarian Program (SHP)

Proposing family or friends for resettlement

The Special Humanitarian Program (SHP) is part of Australia's offshore Humanitarian Program. The visa for the SHP category is the Global Special Humanitarian (subclass 202).

Who can propose an applicant?

A proposer must be one of the following:

- an Australian citizen
- an Australian permanent resident
- an Australian organisation
- an eligible New Zealand citizen.

Proposers are expected to assist their family members or friends settle in Australia and are responsible for the cost of travel to Australia.

What are the requirements?

To be eligible for a SHP visa an applicant must be:

- living outside their home country,
- supported by a 'proposer', and
- subject to substantial discrimination amounting to a gross violation of their human rights in their home country.

Applicants must meet the 'compelling reasons' criterion which includes consideration of:

- the degree of discrimination suffered,
- the extent of their links to Australia,
- whether they have other resettlement options, and
- the capacity of the Australian community to provide settlement.

Applicants must also satisfy health, character and national security requirements set out in Australia's Migration Regulations.

What about applicants in their home country?

Except for 'split family' applicants, people who are living in their home country are not eligible for a SHP visa.

Who can be included in an application?

Members of a family unit may apply for a visa together using one application form. One person—the main applicant—must meet the main visa requirements described above. The other applicants must be 'members of the family unit' of the main applicant and meet the health, character and national security requirements.

Who is a 'member of the family unit'?

A member of the main applicant's family unit may include:

- a partner (spouse or de facto partner)
- a dependent child (of the main applicant or their partner)
- another relative who:
 - does not have a partner (spouse or de facto partner)
 - is usually resident in the main applicant's household, and
 - is wholly or substantially reliant on the main applicant for financial, psychological or physical support.

A dependent child (of the main applicant) can be a biological, adopted or step child who is:

- not married, in a de facto relationship or engaged to be married, and
- under 18 years of age, or
- aged 18 years or over and wholly or substantially reliant on the main applicant for financial, psychological or physical support.

Who is given priority?

Most successful applicants have close family in Australia and have demonstrated strong claims of discrimination in their home country.

How many people are accepted?

Each year many people apply to be resettled under the SHP. Australia does not have the capacity to accept every applicant. In 2007–08, more than 34 000 people applied under the SHP and around 5000 were granted visas. While most applicants have suffered some form of discrimination, the limited number of visas available means that only those in greatest need of resettlement can be assisted under the SHP.

Can I get help with the cost of airfares?

The Australian Government does not pay the travel costs for people who are granted a SHP visa. Interest-free loans are available through the International Organization for Migration (IOM) to assist proposers to pay for travel to Australia. For more information contact IOM Australia.

Telephone: 02 6267 6634 or 02 6267 6600
Email: travel.loan.canberra@iom.int
Website: www.iom.int/australia/projects

Proposing 'split family' members of humanitarian visa holders

'Split family' provisions in the offshore Humanitarian Program allow people who have been granted a Humanitarian, Protection, or Resolution of Status visa to propose their immediate family members for entry to Australia.

Who can propose?

To propose an immediate family member under the 'split family' provisions, the proposer must hold or have held a:

- Humanitarian visa (subclasses 200, 201, 202, 203, 204)
- Protection visa (subclass 866), or
- Resolution of Status (Class CD, subclass 851) visa.

Who is 'immediate family'?

A member of the proposer's 'immediate family' may include:

- a partner (the spouse or de facto partner)
- a dependent child
- a parent (only if the proposer is under 18 years of age).

A person is the proposer's dependent child if he or she is the proposer's biological, adopted or step child who is:

- not married, in a de facto relationship or engaged to be married, and
- under 18 years of age, or
- aged 18 years or over and wholly or substantially reliant on the main applicant for financial, psychological or physical support.

What are the requirements?

To be eligible for a visa under 'split family' provisions:

- the main applicant must have been a member of the proposer's immediate family on the date of the grant of the proposer's visa and continue to be so,
- the relationship between proposer and main applicant must have been declared to the department before the grant of the proposer's visa, and
- the 'split family' application must be made within five years of the grant of the proposer's visa.

All applicants must satisfy health, character and national security requirements set out in Australia's migration laws.

Applicants who meet 'split family' provisions may be living in their home country or another country and are not required to demonstrate that they are subject to persecution or substantial discrimination.

Who can be included in an application?

'Immediate family' members may apply for a visa together using one application form.

One person—the main applicant—must meet all the visa requirements. The additional applicants must be 'members of the immediate family' of the main applicant and meet the health, character and national security requirements.

A parent can only meet the 'immediate family' requirement if the main applicant is under 18 years of age.

Applicants not eligible under 'split family'

If an applicant included in a 'split family' application is not an 'immediate family' member, they will be given their own file and assessed separately against requirements for all humanitarian visa subclasses.

General information on 'split family'

'Split family' applications are given highest priority under the Humanitarian Program.

In most cases, immediate family members are granted the same visa as the proposer and are given the same travel and settlement assistance.

For example, the immediate family of a proposer who entered Australia on a Refugee (subclass 200) visa will also be granted a Refugee visa and the Australian Government will fund their travel to Australia.

If the proposer holds a Protection (subclass 866), Resolution of Status (subclass 851) or SHP (subclass 202) visa their immediate family member will be granted a SHP visa. In these cases, the proposer is responsible for travel expenses.



Jalalabad, Afghanistan © UNHCR / S. Schulman

How applications are processed



Rohingya refugees in Cox's Bazaar, Bangladesh © UNHCR 2008

What happens after an application is lodged?

All applications are initially assessed on the information included in the application form.

Immigration staff might also contact proposers to clarify details in the application and to assess the level of help the proposer is able to give the applicant if they are granted a visa.

Applications that do not meet requirements are refused and the applicant notified. Applicants whose claims and circumstances require further investigation continue to the next stage of processing.

At this point, applications lodged at the Offshore Humanitarian Processing Centre (OHPC) in Sydney or Melbourne are referred to the relevant immigration office overseas. The department will write to the applicant to advise which overseas office will process the application further. If the proposer has been appointed as an authorised recipient they will also be advised.

Interview

After the initial assessment applicants may be requested to attend an interview with an immigration officer. An interpreter who speaks the applicant's language will assist with the interview.

Health and character requirements

Applicants and their dependent family members must meet health, character and national security requirements in order to be granted a visa. All applicants are required to attend a medical examination. Applicants aged 11 years and over are required to have a chest x-ray.

For more information see Fact Sheet 22—The Health Requirement on the department's website at: www.immi.gov.au/media/fact-sheets

How long will it take for a visa to be processed?

Processing of an application can take many months and sometimes more than a year. Processing times vary according to individual circumstances such as where the applicant is living and any health conditions that may require testing or treatment. Local conditions such as poor phone lines and mail services or the general security situation may affect how quickly interviews can be arranged.

The applicant will be contacted at key stages of processing and when a decision is made on the application.

What if circumstances change?

If the applicant's or proposer's circumstances change after the application is lodged, they must inform the office where their application is being processed. For example, if contact details change or an applicant becomes engaged, married, pregnant or dies.

What if the application has been refused?

Every valid application received by the department is carefully considered against the requirements set out in Australia's migration laws and policy. Applications that do not meet the requirements must be refused.

When a decision-maker refuses an application for a humanitarian visa, it is often because they were not satisfied that the applicant demonstrated 'compelling reasons' for the grant of a visa. This does not mean that the claims were not accepted or that the applicant was not seen to have experienced difficult circumstances.

There are a limited number of visas

Each year many people apply to be resettled under the SHP. While most applicants have suffered some form of discrimination or persecution, given the limited number of places available, it is inevitable that many applicants will not be successful. Only those in greatest need of resettlement can be assisted under the SHP.

Can the decision be reviewed?

There is no merits review available for applicants refused a Refugee and Humanitarian (Class XB) visa.

Can a new application be lodged?

Yes. If circumstances change or new information is available, applicants may lodge another application which will be assessed on its merits.

New applications are unlikely to be successful unless applicants and proposers include all relevant information in sufficient detail to ensure that their circumstances may be fully considered by the decision maker.

How to lodge an application

What must be included?

An application under the SHP or 'split family' provisions must include:

- Form 842—Application for an Offshore Humanitarian Visa, and
- Form 681—Refugee and Special Humanitarian Proposal

To be valid an application must:

- be made using the approved application forms, and
- be lodged in the required place (see below), and
- applicants must be outside Australia when applying for the visa and when the visa is granted.

There is no charge for this visa application.

The application should be as complete as possible. It should include any information or documents to support the claimed family relationships and claims of discrimination or persecution experienced in the home country.

If you do not have documents, please explain why they are missing. NEVER submit false documents or the application may be refused.

If an applicant wishes a proposer to receive correspondence from the department on their behalf, the proposer must be appointed as an authorised recipient. To appoint an authorised recipient the applicant should complete Form 956—Appointment of a Migration Agent or Exempt Agent or Other Authorised Recipient and include it with the application.

Where to lodge SHP or 'split family' applications

Residing in Africa

SHP or 'split family' applications from people who are currently living in Africa should be lodged at the NSW Offshore Humanitarian Processing Centre in Sydney.

Please send the application to:

Offshore Humanitarian Processing Centre
Department of Immigration and Citizenship

By Post

GPO Box 9984
SYDNEY NSW 2001

By Courier (no hand deliveries)

Level 3, 26 Lee Street
SYDNEY NSW 2000

Residing in the Middle East or parts of South West Asia

SHP or 'split family' applications from people who are currently living in the Middle East and parts of South West Asia (one of the countries listed below) should be lodged at the Victorian Offshore Humanitarian Processing Centre in Melbourne.

Countries: Afghanistan, Bahrain, Iran, Iraq, Jordan, Kuwait, Lebanon, Oman, Pakistan, Qatar, Saudi Arabia, Syria, Turkey, United Arab Emirates and Yemen

Please send the application to:

Offshore Humanitarian Processing Centre
Department of Immigration and Citizenship

By Post

GPO Box 241
MELBOURNE VIC 3001

By Courier (no hand deliveries)

2 Lonsdale Street
MELBOURNE VIC 3000

Applicants residing in other countries

SHP and 'split family' applications from people who do not live in Africa, the Middle East or parts of South West Asia can be lodged at any immigration office overseas. Contact details are on the department's website at www.immi.gov.au/contacts/overseas.

Where to lodge other applications

Humanitarian visa applications that do not include Form 681—Refugee and Special Humanitarian Proposal should be lodged at an immigration office overseas and cannot be lodged in Australia.

How to contact us

General enquiries: 131 881
Hours of operation: Monday to Friday 9am–4pm
(recorded information available outside these hours) for the cost of a local call anywhere in Australia.

Website: www.immi.gov.au

NSW OHPC

Telephone: +61 2 8666 5652 (outside Australia)
1300 658 731 (within Australia)

Fax: +61 2 8666 5909

VIC OHPC

Telephone: +61 3 9235 3850 (outside Australia)
1300 658 095 (within Australia)

Fax: +61 3 9235 3851