



Refugee and asylum seeker visas in Australia

Refugees and asylum seekers have very different experiences due to the way they arrive in Australia and the type of visa they are granted or are seeking. This has considerable implications for their experiences in Australia and their mental health and wellbeing.



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About this resource

This resource contains information to support health staff understand what a visa is, who can access a visa, the different types of visas and the rights granted with each visa.

USING THIS RESOURCE

The information in this resource is designed to give you a greater understanding of the complexity of entering and staying in Australia for refugees or people seeking asylum, and the impact of receiving particular visas on the mental health and wellbeing of refugees and asylum seekers in Australia.

MAIN VISA TYPES IN AUSTRALIA

The type of visas granted to refugees and people seeking asylum has a significant impact on their health and wellbeing.

A visa is a form of permission for a non-citizen to enter, transit or remain in a particular country. In Australia, there are a number of visa types available for refugees and asylum seekers, each visa comprising of a unique set of conditions which determines the rights of refugees and asylum seekers in Australia.

Humanitarian Migration Stream comprises the below visa subclasses:

200 - Refugee
201 - In-Country Special Humanitarian
202 - Global Special Humanitarian
203 - Emergency Rescue
204 - Women at Risk
800 - Territorial Asylum (Residence)
851 - Resolution of Status
866 - Protection.

Some of the more frequent visas granted in Australia include:

200 series visas are granted to people off shore. This visa grants the person the same rights of a permanent Australian resident. This includes working rights, access to Medicare, social security and more. People with this visa type also have the right to nominate other family members for residence in Australia.

201 in-country special humanitarian visas and 203 emergency rescue visas are only for exceptional circumstances when a visa is granted whilst the person is still in their country of origin - usually in dire situations whereby the person is in imminent and serious danger.

866 protection visas are granted for people who arrive in Australia on a valid visa (such as a student, tourist or worker), then apply for, and are granted asylum.

SEEKING ASYLUM OR REFUGEE STATUS

Seeking asylum is a human right. It is not illegal to seek asylum without a visa.

Unlike refugee status, asylum cannot be granted to people prior to arriving in Australia.

There are two main pathways refugees and asylum seekers come to Australia:

1. Offshore processing, which means a person is defined as having refugee status or has been sponsored by a special humanitarian program.
2. Onshore processing, when a person arrives in Australia as an asylum seeker.

People entering Australia need to have travelled here on an approved visa. If the person does not have an approved visa, they will be denied entry and sent to their home country or another country that may be suitable, or they are placed in detention settings.

For people seeking asylum, the lack of permanency can impact significantly on their mental health and wellbeing.



This may be permitted because circumstances in their home country change while they are residing in Australia, or because they come to Australia intending to seek asylum.

Many asylum seekers arrive in Australia on a student or visitor visa, and then continue to reapply for student or visitor visas in order to remain in Australia. Often between reapplying for visas there is a delay in processing which leaves the person in a vulnerable position with minimal rights to work, access to health care or housing.

All temporary visas have different rights. Some asylum seekers are granted visas with working rights but these are often conditional to work in regional areas.

TRANSPORT METHODS TO AUSTRALIA AND IMPACT ON VISA

- The transport method refugee and asylum seekers use to travel to Australia affects whether they are detained, the conditions of their visas, and how their claim for protection is determined.
- Levels of trauma and psychological distress experienced by refugees or asylum seekers can be very different based on their transport journeys.
- Most asylum seekers live in Australian communities on bridging visas.
- Other asylum seekers may be placed in what is known as “community detention” which places various restrictions on asylum seekers impacting their rights to accommodation, work rights, and government benefits.
- A small number of asylum seekers are held in mainland Immigration Detention Centres, or at offshore facilities on Nauru and Manus Island.

QUICK FACTS

- On 30 June 2020, there were 12,450 people who had sought asylum in Australia by boat and were in the community, having been released on a Bridging Visa E.
- As of June 2020, most people living on bridging visas were from Iran, Sri Lanka, Bangladesh, stateless, Afghanistan, or Iraq.
- In the financial year 2017-2018, it took an average of 231 days for the Department of Immigration to make a decision on claims for asylum.
- Around 80 percent of asylum seekers who come to Australia by boat are found to be refugees.
- Of those who came seeking asylum by boat in our community at 30 June 2020, more than 80% were living either in Victoria or NSW.
- As of June 2020, 37% of asylum seekers who arrived by boat on Bridging Visa E were located in NSW.
- Asylum seekers living in NSW are located in Sydney where they have access to some support services and people from their same culture and community.
- Asylum seekers who are permitted to live and work in regional areas often live in areas of high crop production including Coffs Harbour and Murrumbidgee.

Further information

Refugee Council of Australia: refugeecouncil.org.au

Australian Human Rights Commission: humanrights.gov.au

Kaldor Centre: kaldorcentre.unsw.edu.au

Parliament of Australia: aph.gov.au/about_parliament/parliamentary_departments/parliamentary_library/pubs/rp/rp1314/boatarrivals