

Frequently asked questions

1. What is a Protection visa?

Protection visas are for people (or their family members) who face a real risk of significant harm or a real chance of persecution if they return home. If you are granted a Protection visa, you cannot travel to the country you are seeking asylum from without permission from the Australian Government, even if your family lives there.

Do not apply for a Protection visa as a means to extend your stay in Australia so you can secure paid employment.

You are strongly encouraged to seek [free legal advice](#) from specialist refugee and immigration legal providers to find out if you're eligible for a Protection visa.



2. Who is eligible to apply for a Protection visa in Australia?

Protection visas are for people (or their family members) who face a real risk of significant harm if they return home or a real chance of persecution on the grounds of:

- race
- religion
- nationality
- membership of a particular social group or
- political opinion.

Significantly more Protection visa applications are refused than granted. On average, more than 85% of all applications are refused as they do not meet the visa requirements. Applications from some nationalities have refusal rates close to 100%.

There may be other visas more suited to your circumstances. More information on finding the right visa is available on the [Home Affairs website](#).

3. How long does it take to process a Protection visa application?

Big changes have been made to the Protection visa application process to speed up processing time, with most new applications now being decided almost 8 times faster compared to recent years. This means a quicker grant of Protection visas to those in need and swift refusal for those who apply for a Protection visa to simply work or extend their stay in Australia.

Be aware that if you engage an unregistered migration adviser to apply for a Protection visa, you may pay a lot of money and still be quickly refused a Protection visa. You are strongly encouraged to seek free legal advice from specialist refugee and immigration legal providers to find out if you're eligible for a Protection visa.

There may be other visas more suited to your circumstances. More information on finding the right visa is available on the [Home Affairs website](#).

4. What happens if my Protection visa is refused?

If you are refused a Protection visa, you cannot apply for most other visas and will need to leave Australia. If you do not have a valid visa, you may be detained and removed from Australia. A refused Protection visa application may also make it harder for you and your family to visit Australia in the future. It can also impact future visa applications to other countries outside of Australia, depending on the type of visa you apply for.

There are serious consequences for Protection visa applicants who provide false documents or give misleading information in their application, including large fines, possible jail for up to 10 years, or both. It may also be harder for you and your family to ever return to Australia, even on a visitor, student or temporary work visa such as a [PALM scheme visa](#).

This year, the Australian Government commenced a new operation to focus on the detention of refused Protection visa applicants whose temporary visas have expired, and remove them from Australia. This operation is ongoing.

If you are detained and removed from Australia, you may have to pay back the costs of your removal, which could be thousands of dollars.



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Before applying for a Protection visa, you are strongly encouraged to seek [free legal advice](#) from specialist refugee and immigration legal providers.

5. Can I apply for another visa if I am refused a Protection visa?

If you are refused a Protection visa, you cannot apply for most other visas and will need to leave Australia. You and your family members may also find it harder to return to Australia.

If you are detained and removed from Australia after a Protection visa is refused, you may have to pay back the costs of your removal, which could be thousands of dollars.

A refused Protection visa application may also affect future visa applications to other countries outside of Australia, depending on the type of visa you apply for.

There may be other visas more suited to your circumstances. More information on finding the right visa is available on the [Home Affairs website](#).

6. Should I talk to a migration adviser about applying for a Protection visa?

Advice on applying for a Protection visa should only be sought from registered migration agents and Australian legal practitioners. You may also seek immigration assistance from an exempt person.

An exempt person is someone who is not a registered migration agent or an Australian legal practitioner and is one of the following:

- your nominator or sponsor
- your close family member
- a parliamentarian
- a member of a diplomatic mission
- a member of a consular post
- a member of an international organisation

A person who is not a registered migration agent or an Australian legal practitioner must not charge you a fee for their help. It is illegal for an exempt person to charge a fee.

A person who is not a registered migration agent, Australian legal practitioner or exempt person might give you the wrong advice, causing you to risk any chance you have of staying in Australia.

You should not let anyone apply for a Protection visa for you without understanding what you are applying for and what information is being provided in the application. You must make sure everything in your application is true, even if someone else completes and submits it for you.

If you are paying for migration advice, make sure it is provided by a registered migration agent or an Australian legal practitioner. You can find out if a migration agent is registered by checking the [Office of Migration Agents Registration Authority](#) website.

7. How do I find a reputable migration adviser to help with my Protection visa application?

In Australia, migration agents must be registered with the [Migration Agents Registration Authority \(OMARA\)](#). You can visit the website to check if an agent is registered or find an alternative.

Unlawful operators often advertise their services on social media and in online chat groups. They sometimes tell applicants to give misleading information when applying for a Protection visa, and some charge a lot of money for this incorrect advice.

If someone tries to give you unlawful immigration advice, you can tell us by using the [Border Watch Online Report](#). You do not have to give your name.

[Free legal advice](#) from specialist refugee and immigration legal providers is also available.



8. If I apply for a Protection visa can I still go home?

When you apply for a Protection visa, your application may be refused if you travel to the country you are seeking Australia's protection from, even if your family is located there.

In the event that you are granted a Protection visa, you cannot travel to the country you have sought asylum from without permission from the Australian Government, even if your family lives there.



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9. What happens if I submit false information in a Protection visa application?

There are serious consequences for Protection visa applicants who provide false documents or give misleading information in their application, including large fines, possible jail for up to 10 years, or both.

As well as the risk of a fine and jail time, it may be harder for you and your family to ever return to Australia, even on a visitor, student or temporary work visa such as a [PALM scheme visa](#).

If it is discovered that you have given false or misleading information after your visa has been granted, your Protection visa can be cancelled. Be aware that a refused Protection visa application or cancelled Protection visa can also impact future visa applications to other countries outside of Australia, depending on the type of visa you apply for.

If someone applying for a Protection visa asks you to write a support letter for them, you should only do this if you believe they are an asylum seeker facing a real risk of significant harm or they face a real chance of persecution if they return home. Encourage them to access the [free legal advice](#) from a specialist refugee and immigration legal provider in their state or territory.



10. Is it true that a Protection visa provides a way to remain and work in Australia?

A Protection visa should only be applied for by someone who faces a real risk of significant harm or a real chance of persecution if they return home. A Protection visa is not for people who just want to stay longer in Australia to work.

Some businesses may offer employment opportunities in Australia by telling temporary visa holders to apply for a Protection visa using false information, putting the applicant at risk of their visa being refused and them facing large fines, possible jail for up to 10 years, or both. They may also be refused other visas in the future.

Students are also being advised to continue their stay in Australia by applying for a Protection visa with false information. Providing false information puts the applicant at risk of their visa being refused and they may face large fines, possible jail for up to 10 years, or both.

Significantly more Protection visa applications are refused than granted. On average, more than 85% of all applications are refused as they do not meet the visa requirements. Applications from some nationalities have refusal rates close to 100%.

If you are considering applying for a Protection visa, you are strongly encouraged to seek [free legal advice](#) from specialist refugee and immigration legal providers to find out if you are eligible. There may be other visas more suited to your circumstances.

11. Is there anyone I can talk to for free advice?

The Australian Government is providing [free legal advice](#) from specialist refugee and immigration legal providers to help people understand whether they may be eligible for a Protection visa.



You can also go to the [Home Affairs website](#) to find out more information.

