

PLEASE NOTE THIS IS A SAMPLE LETTER ONLY

SAMPLE LETTER: Acceptance of the offer of a Humanitarian Stay (Temporary) Visa 449 and/or Temporary (Humanitarian Concern) Visa 786

Date:

DIBP

Delivered in person

Dear DIBP,

RE: Acceptance of the offer of a Humanitarian Stay (Temporary) Visa 449 and/or Temporary (Humanitarian Concern) Visa 786

I have made an application for a Protection (Class XA) subclass 866 (Protection) visa. At the time I made this application I was eligible for this visa. I believed and expected to be granted a protection visa as I am a refugee who will face serious harm if returned to their country.

I have been notified of a decision by the Department of Immigration and Border Protection that my application has been refused because I do not satisfy clause 866.222 of the *Migration Regulations* 1994.

The notification letter advises further:

Although a decision has been made to refuse the application, you have been assessed as engaging Australia's protection obligations and are eligible for the grant of a Temporary (Humanitarian Concern) visa.

To be granted a Subclass 786 Temporary (Humanitarian Concern) visa, you must be the holder of a Subclass 449 Humanitarian Stay (Temporary) visa. You must be invited by the Australian Government to apply for both visas.

Important disclaimer: This sample letter is provided as a guide and for information purposes only. Anyone using this resource should obtain advice from a registered migration agent or a practising lawyer. For information about registered migration agents please visit: www.mara.gov.au. The ASRC has attempted to ensure that the resource is current and accurate, but it is not responsible for the consequences of any error or omission. The resource is provided on the basis that people accessing it undertake responsibility for assessing the relevance and accuracy of its content.

An appointment has been made for me to attend the Department of Immigration and Border Protection’s office “to be processed and granted a Temporary (Humanitarian Concern) visa”.

The Department has invited me to be processed and granted a Temporary (Humanitarian Concern) Visa 786. I confirm that I will submit to such processing but only because of the following reasons **(add your reasons here, for example)**:-

- As the law currently stands, clause 866.222 precludes me from applying for a protection visa or any other visa. I therefore personally feel I have no choice. I understand that the validity of this clause is currently being challenged before the High Court but that the cases have not yet been heard.
- I am personally concerned and fearful of being detained or being made unlawful.
- I am personally concerned and fearful of being denied the right to work, income support and access to Medicare.

I request that a copy of this letter be kept on the file of the Department of Immigration so as to protect my rights, to the extent possible, in the event that clause 866.222 is declared to be invalid and I again become eligible for a protection visa.

Yours sincerely

NAME:

WITNESS:

DATE:

INTERPRETER: *(if applicable)*

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