

PLEASE NOTE THIS IS A SAMPLE LETTER ONLY

SAMPLE LETTER: "I WILL NOT BE ATTENDING MY DIBP APPOINTMENT"

Date:

DIBP

Place address/fax number of DIBP in your State that this was received from.

Dear DIBP,

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 (786)*". I note that in your letter you state that "To be granted a Subclass 786 Temporary (Humanitarian Concern) visa you must be a holder of a Subclass 449 Humanitarian Stay (Temporary) visa."

I will not be attending the appointment, as I am not currently in a position to properly consider any invitation or offer for a Temporary (Humanitarian Concern) Visa and wish to seek legal advice regarding the information contained in the letter. Also, I will not be in a position to make any informed decision until the High Court has decided the validity of cl.866.222 in the proceedings of *Plaintiff M150 of 2013* and *Plaintiff S297 of 2013*.

I understand that this proposed appointment was solely in relation to a possible offer of a HSTV or THCV. However, if I am required at the Department for any other reason, please notify me.

In the meantime I intend to appeal the decision to refuse my protection visa to the Refugee Review Tribunal.

Kind Regards

Signature:

Name:

Date:

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