

## **PLEASE NOTE THIS IS A SAMPLE LETTER ONLY**

### **SAMPLE LETTER: “I AM SEEKING ADVICE ON MY PROTECTION VISA DECISION AND THE HSTV”**

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:

*“Initial assessments of your protection claims indicate that you may engage Australia’s protection obligations. Therefore you are eligible for a grant of a Humanitarian Stay (Temporary) Visa (HSTV). This will allow you to reside in the Australian community for a specified period of time while your protection assessment is finalised. The Department will contact you to schedule an appointment for you to be granted a HSTV. Please note that this appointment may be conducted by phone or in person at a DIBP office.”*

**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](http://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.

I am not currently in a position to properly consider any invitation or offer for a Humanitarian Stay (Temporary) Visa and wish to seek legal advice regarding the information contained in the letter. 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 also intend to appeal the decision to refuse my protection visa to the Refugee Review Tribunal.

Kind Regards

Signature:

Name:

Date:

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