

What to write in a Statement (Protection Visa)

Why write a statement

In order to make an application for a Protection Visa, you must indicate the reasons you believe you are owed protection. It is recommended that you write a separate statement and attach it to the form to provide as much detail and information to the Department of Home Affairs (the 'Department').

Write *"Please see my attached statement"* on the form.

On your statement write which question number you are responding to (e.g. Q76 Statement). If you need help writing a statement, call Legal Aid ACT.

Legal Aid ACT

9.00am-4.00pm Monday-Friday

www.legalaidact.org.au

Phone: 1300 654 314

What should I write in my statement?

Personal details:

- Full name;
- Date of birth ;
- Nationality and or/ country where you lived
- Religion and ethnicity ;
- Family background; and
- Occupation

Family background:

If your parents or other family members have had any previous problems that are relevant to your own problems, describe those problems.

Problems you had in your country:

Describe the first time you encountered problems or suffered harm.

- What happened to you that made you leave your country?
- How were you harmed?
- Give detailed descriptions including names, places and times.
- Did you ask for help from the authorities or police in your country? If not why not?

When and why you left your country:

Why did you decide to leave your home country when you did? How did you leave your country?

For example:

- Did you use a passport?
- Did you pay a bribe?
- How did you get a visa to come to Australia?
- Did you have difficulty leaving your country at border control?

Why you came to Australia:

- Why did you choose to come to Australia and not another country?
- Why did you decide to leave?

Do you have a right to visit or stay in another country?

Would you face any risk of harm in that country?

If you have a right to visit another country, you may not be entitled to protection in Australia unless you can show that you would also meet the definition of refugee or be eligible for complementary protection in that country.

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The Australian government may contact other countries to find out whether you have a right to go there or whether you have previously lived there, or previously applied for a visa to go there.

Why do you fear returning to your country?

Describe your fears.

Will you be harmed? What kind of harm?

It is important to describe every different type of harm that could happen to you in the future

- Who would harm you?
- What would be the reason for the harm?

Often it is difficult to know what will happen in the future, but it is important that you give as many details as possible about what you think might happen and why.

If you fear more than one type of harm and you should describe all types of harm.

Who will harm you?

Give specific details of all the people who you think will harm you.

For example, if you fear harm from the government, specify which sections of the government. If you fear harm from a militant or religious group, specify the name of the group. If you fear harm from individual people, specify their names. If you fear more several different groups or individuals, you should mention all of them.

Why will they harm you?

The harm you might suffer must be directed at you for one of 5 reasons:

- Your nationality;
- Your ethnicity;
- Your religion;
- Your political opinion; or
- Your membership of a 'particular social group'.

The law says that a 'particular social group' is two or more people who have a shared characteristic, and that characteristic is something that can't be changed, or that is fundamental to their identity or conscience, or something that distinguishes the group from other people in society.

What specifically, will they do to you? Is it serious harm?

Serious harm may include:

- Significant physical harm or physical harassment;
- A threat to your life or freedom;
- Your capacity to live is threatened because of:
 - Significant economic hardship; or
 - Denial of access to basic services; or
 - Denial of the ability to earn a livelihood of any kind
- Serious psychological harm.

To meet the definition of refugee, the harm must involve conduct that is systematic and discriminatory, rather than random or accidental.

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Is there a real risk that you will suffer ‘significant harm’?

Significant harm includes:

- The death penalty;
- Being killed, tortured or murdered;
- Cruel and inhuman treatment or punishment;
- Degrading treatment or punishment.

The reasons why the harm is directed at you could include reasons *other than* the 5 reasons under the refugee definition. See ‘Why will they harm you?’.

What makes you think the harm will happen?

Is there a ‘*real chance*’ that the harm will happen to you? There must be good reasons for believing that the harm will happen to you in the future.

How likely is it that the harm will happen to you in the future? How do you know that it will happen to you?

- Has it happened to you in the past?
- Have you seen or heard of it happening to someone else like you?
- Do you have any evidence that it will happen to you?
- Are there any news or research reports which support what you say?
- Was there a period of time that you lived at home and weren’t harmed? If so, why weren’t you harmed during that time?

Is there something that you could do or change to avoid harm?

If you could take reasonable steps to change your behaviour to avoid persecution, then you may not be

eligible for protection. You are not expected to change things that are fundamental to your identity or conscience, like your religious or political beliefs, or stop practising your religion, or hide your sexual orientation.

State protection:

- Will the authorities or police protect you against the harm that you fear?
- If not, why not?

If the government authorities in your country could protect you, then you may not be eligible for protection.

Relocation:

If there is another part of your country that you could safely move to where you would not be harmed, then you may not meet the definition of refugee.

Can you move to another part of your country and live there without the problems you had before?

- NO? Explain why you would continue to experience problems if you moved to another part of the country.
- YES? If you could relocate to another part of your country, but it would be difficult, explain why it would not be safe for you to move. For example:
 - Do you have any relatives or connections elsewhere?
 - Is it difficult or dangerous to travel to other areas?
 - Are there general dangers in other areas?

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Are there any other personal circumstances that would make moving not safe for you? For example, your age, gender, disability, language barriers, ethnicity, religion, ability to find work.

Do you fear harm because of things that you have done in Australia?

If you fear harm in your country because of things that you have done in Australia, and the Australian government will think that you did these things for the purpose of strengthening your claims to be a refugee. These things will be disregarded or ignored in your application for protection.

Important tips

Chronological order: Write your statement in the order things happened, from beginning to end. This will make it easier to understand your story and for you to remember what you have written.

Focus on your personal situation: It is okay to describe the general problems in your country. However, your statement should not be used to provide detailed information on your country, focus on you.

Family members: If you are applying as a family, you should describe all the different types of harm that could happen to each individual family member, including children. Different family members can have different fears of harm.

Things to remember

Tell the truth

Do not exaggerate or make up events. This is a criminal offence. The Department will check your claims against other information about your country. If you are found to be dishonest about some parts of your story, the decision maker might not believe your whole story and this may mean you are refused a Protection Visa.

Dates

Do not make dates up. If you can't remember an exact date, write the year and month and "approx." next to it, or "I can't remember". Make sure the details about dates and events are the same throughout the statement.

Know your statement well.

At the interview you will be asked questions based on the information you provided in your application and your statement. You should be consistent.

Supporting documents

Provide certified copies of documents that support your claims. Take the original documents to your interview.

Useful Contacts

Legal Aid ACT

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www.legalaidact.org.au

Phone: 1300 654 314

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Migration Clinic – Legal Aid ACT

www.legalaidact.org.au

Phone: **1300 654 314**

Email: migration@legalaidact.org.au

Migration Agents Registration Authority (MARA)

www.mara.gov.au

This factsheet was originally developed by the Refugee Advice & Casework Service Sydney (RACS) (www.racs.org.au).

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