

Providing evidence of your Identity

With an application for a Protection Visa, the Department of Home Affairs (the 'Department') asks that you provide documentary evidence of your identity, nationality or citizenship.

This factsheet describes the documents you may need to provide and the requirements surrounding these documents. This information is for people seeking asylum who are currently in Australia.

What documents do I need to provide?

You will generally need to provide the Department documents that prove your identity, nationality or citizenship.

Examples include:

- Your passport;
- Your birth certificate;
- Your national identity card; or
- Your driver's licence from your country.

If your identity documents are not in English, the Department will also generally ask that you provide English translations of your documents.

You can arrange translations by contacting a NAATI accredited translator. You can find the details for the National Accreditation Authority for Translators and Interpreters at: <http://www.naati.com.au/>

The Department will also generally ask that you provide originals or certified copies of your identity documents. Documents may be certified by a solicitor or Justice of the Peace.

Your identity documents need to be genuine

You may be refused a visa if you provide a "bogus" or fake document as evidence of your identity, nationality or citizenship.

A document is bogus if:

- It looks like it was issued to you, but was not actually issued to you;
- It is counterfeit or has been altered by someone without authority;
- It was obtained because of a false or misleading statement, whether or not this was on purpose.

If the Department believes your document is bogus, the Department may consider whether you have a reasonable explanation for providing the document. The Department will also seize the document if it is believed to be bogus. This could negatively affect your protection application.

You may still need to provide evidence of your identity, nationality or citizenship, or explain what reasonable action you have taken to try to provide this evidence.

Some examples of documents which could cause problems are:

- If you or someone else has written over the top of your documents since they were issued; or
- If there any information on your documents which is not correct; or
- If there is information in your documents which is not about you.

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If you have any documents that you think might cause you problems, please make some notes about how exactly you obtained these documents and get legal advice.

What if I have destroyed or disposed of my identity documents?

If the Department thinks you have destroyed or disposed of your identity documents (or you caused someone else such as a people smuggler to destroy or dispose of them), your visa application may be refused.

The Department will decide whether you have a reasonable explanation. You may still need to provide evidence of your identity, nationality or citizenship or explain what reasonable action you have taken to try to provide this evidence.

Should I respond to a request for more information?

It is important to respond to a letter requesting more information about your identity, nationality or citizenship.

If you don't respond, your visa application may be refused. Your response will depend on what information you have already provided or are now able to provide.

If you cannot provide identity documents

You need to explain why you cannot provide them. The Department will decide whether you have a reasonable explanation for not providing evidence of your identity, nationality or citizenship.

If you are not currently in possession of identity documents, but are able to access them

It is important that you take reasonable steps to obtain such documents. For example, this may involve asking your family members who are overseas to send the identity documents to you.

You should explain to the Department what action you have taken or are still taking to obtain your identity documents.

Providing evidence at an interview

You should bring originals of all identity documents that you wish to submit to your protection interview with the Department even if you have already provided certified copies.

Useful Contacts

Legal Aid ACT

9.00am-4.00pm Monday-Friday

www.legalaidact.org.au

Phone: **1300 654 314**

Migration Agents Registration Authority (MARA)

www.mara.gov.au

Migration Clinic – Legal Aid ACT

www.legalaidact.org.au

Phone: **1300 654 314**

Email: migration@legalaidact.org.au

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

This factsheet is a guide only and is not legal advice. While due care has been taken to ensure the accuracy of the material contained in this factsheet, Legal Aid ACT and the Refugee Advice & Casework Service Sydney cannot take responsibility for any errors or omissions.

Complaints & suggestions: If you have any complaints or suggestions about our services, please write to the Chief Executive Officer at our postal address.

Interpreter: If you need an interpreter, please contact Translating and Interpreting Service (TIS) on 131 450.

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