

Completing Forms 866 and 1505

General Information

Form 866 is for Permanent Protection Visas.

Form 1505 is for those already on Temporary Protection Visa (TPV) or Safe Haven Enterprise Visa (SHEV).

- Read all the information in Part A before starting to complete the form.
- Answer all questions truthfully.
- If you do not know the answer to a question, write “I don’t know” or “I can’t remember”.
- If you don’t know an exact date, write an approximate date and also write “approximately” or “approx.” or “I don’t remember the exact day/month/year”. Do not make up or guess dates.
- If a question does not apply to you, write “N/A” meaning ‘non-applicable’.
- If you need more space to answer any questions, write your answers on a separate piece of paper and attach it to the form.
- If you have any documentary evidence to support your claims for protection (for example, hospital records, police reports, photographs, membership cards) you should attach certified copies to the form.
- The Department of Home Affairs (the ‘Department’) will check any information you write in this form with information you have previously given to the Department.
- If you need to correct information that you previously provided, you should explain why the previous information was incorrect in the form or on a separate piece of paper.
- Keep a copy of the form that you submit to the Department.

Form 1505

This short form does not require you to provide claims for protection since they have already been provided in your previous application. This form is for recording changes in your personal circumstances since you were granted your TPV or SHEV.

Who can help me complete a Form?

Any person can help by reading the questions to you in your language, showing you where certain information should be written, or writing down answers given by you into the form.

Giving advice or opinions to you about migration law and procedures relating to your visa application can only be done by a registered migration agent. It is illegal for a person to do this unless they are a registered migration agent or a family member.

If you have any questions about completing these forms, please contact a registered migration agent or Legal Aid ACT for advice. See ‘Useful Contacts’ at the end of this factsheet for contact details.

Sections of Form 866 to complete

Individuals:

Complete Part B and Part C.

Families:

Complete only one Part B for the whole family. List the names of all family members included in the application.

Complete a separate Part C for each family member included in the application (including young children).

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Adult children are generally not allowed to apply as part of a family group with their parents or siblings. Get legal advice if you are unsure.

Minimum requirements for a 'valid' application

866

- You must write details about the reasons why you are claiming protection or why you are a member of the same family unit as someone who is claiming protection.
- If the Department asks you to, you must provide personal identifiers (digital photograph and fingerprints).

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- There must substantially comply with the directions on the form and your answers must be in English.
- You must pay the visa application charge. This is currently \$35. There is no charge if you are in detention.
- You must write your full residential address.

Using Records to prepare your Application

It is important to look at and listen to any records of previous interviews that you have done before preparing Form 866. Previous records can help you to complete some details in the application form. Not everyone will have all of these records. If you don't have them you can start a Freedom of Information (FOI) request.

Relevant records may include:

- Previous visa applications by you or other family members
- Entry Interview (written records and audio)
- Other interviews. For example: biodata interview, age determination interview, or screening interview.

It is important to be aware of and explain any inconsistencies between previous records and the details you write in the form.

If there are mistakes in the previous records, you should explain what you think are the reasons for the mistakes in the application form on a separate piece of paper.

For example, if you made a mistake by providing incorrect information, explain why you provided incorrect information and how you now know the correct information.

If you think the mistake was because of a misunderstanding between you and the interpreter or interviewer, explain this.

For example:

If the Entry Interview says you travelled to *Iran* in 2002, but you actually travelled to *Iraq* in 2002.

- Write on the application form "My entry interview says _____. This is not correct"
- Then explain the reason
 - 'I don't know why it says Iran, I did not say that'; or
 - 'I accidentally said 'Iran' but meant to say Iraq'.

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Explanation of Questions

The following table contains some notes to help explain some of the questions in Form 866. It does not address all questions in Form 866 and Form 1505. If you have any questions that are not addressed here, contact a migration agent for advice.

PART B	
Question Number	Notes
Q 2	<p>Who should be listed here? Family members who are in Australia and who want to apply for a protection visa together. People who meet the legal definition of 'member of the same family unit' can apply for a protection visa together.</p> <p>This includes:</p> <ul style="list-style-type: none"> • Husband, wife or de facto partner (living like a husband or wife but not married) • Child under 18, or child over 18 who is dependent on the parents for financial, physical or emotional needs • Other young relatives who are under 18 or over 18 and dependent. <p>There may be other situations in which people are members of the same family unit. If you are unsure, seek advice from a migration agent.</p> <p>Does the person have claims for protection? Any person who fears some kind of harm in their home country should tick yes and respond to questions 89-97. This includes children who could be harmed.</p>
Q 4	<p>Who should be listed here? Anyone who is a 'member of the same family unit' and in Australia but who is not listed at Question 2 (Form 866) because they are not applying for the visa together.</p>
Q 5	Write the name and details of any person who helped you complete the form.
Q 9	

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	Unless you are being represented by a migration agent, tick “myself”. The Department will send you letters about your application. It is important to check the mail regularly and tell the Department anytime you change address.
Q 10	You must pay \$35 to lodge your application (unless you are in immigration detention or community detention). Pay online. Lodge your application within 30 days of paying.

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PART C	
Question Number	Notes
Q 1-4	If you are unsure about how to answer these questions, ask a migration agent for advice.
Q 8	Boat ID has 3 letters and 3 numbers (e.g. ABC012)
Q 14	A person's country of citizenship might be different to their country of birth.
Q 19 - 21	If you are a citizen or national of two or more countries, you might not be able to apply for a protection visa. You should get advice from a migration agent before submitting your application.
Q 22	An example of a right to enter and reside in a country is having a current valid visa to go to another country. It can also include other types of permission. If you are unsure, get advice from a migration agent before submitting your application
Q 27	You have a right to be provided with an interpreter at the interview. If your English language skills are good, but there are some words, expressions or accents that you don't understand, then you should tick 'yes'. If you need an interpreter who speaks a particular dialect of your language, specify that dialect here.
Q 32	If you don't know exact dates, write an approximate date or year and handwrite "approx" next to the date.
Q 33	This would usually be a parent, but it could be another relative or person.
Q 34	It is very important to provide your full and correct residential address. If you don't, your application could be invalid.
Q 35	The address that you write here will be the address where the Department will send you letters about your application. It is very important that you check the mail

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	regularly and you tell the Department anytime that you change address by contacting BVE Reporting (1300 728 662) and submitting Form 929 to the Department.
Q 38	You should only choose to receive letters by email if you check your email address every day, including your junk mail. Even if you choose email, you should still continue to check for letters by mail at your postal address.
Q 39 - 40	You only need to write the names and details of family members who you did not list in Part B. It is important to include all the names that your family members are known by or called, including names before and after marriage. If you don't know a family member's exact date of birth, write "approx." and provide as much detail as you can, such as the year or month.
Q 41	For example, "I contact my wife in Quetta by telephone around once a week"
Q 42	You only need to write the details of family members or friends who live in Australia and who you have contact with. If you don't know some details, write "I don't know"
Q 43 and 45	If you don't know exact date, write "I don't know"
Q 46	If you left your country by crossing a border, write the name of the town at which you crossed the border. If you left your country on a boat, write the name of the town nearest to where you got onto the boat.
Q 47	Legally: Choose this option if you used a valid passport or travel document, and you completed all legal processes required for leaving the country. Illegally: Choose this option if you did not use a valid passport or travel document, or you did not go through all legal processes required for leaving the country.
Q 48	If you arrived by boat without a visa, tick 'Unauthorized maritime arrival'.
Q 49	If you have a current valid passport, tick 'Other travel document' and write the details of that passport at Question 53. If you arrived by boat without a visa tick "Did not enter using a travel document". If you have never had a passport write "N/A" in all the questions.

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Q 54	If you have more than one current valid passport, write the details.
Q 55	If you have an expired passport, write the details.
Q 59	Unless you are Chinese, tick “No”.
Q 57	If you had health examinations in detention, tick “Yes”. If you don’t know details write “Don’t Know”.
Q 58	It is important that you write the details of any countries that you have applied to go to at any time in your life, even if you did not end up going there.
Q 61	If you registered as a refugee with an international organisation or the government in any country, write the details here. If you have been assessed as a refugee before, the Department might ask you to provide records of this assessment or they might contact the organisation to get records.
Q 63	If you were assessed, you need to complete a <u>Consent Form</u> allowing the Department to speak with UNHCR about your application.
Q 65	If you arrived by boat without a visa, tick “Yes” and write the names of the detention centres. If you don’t remember the dates, leave them blank.
Q 66	If you have contacted the embassy of the country where you fear harm, get advice from a migration agent before submitting this application.
Q 67	It is important that you write details of every time you have been to a country other than your home country and Australia in the last 30 years. If you don’t remember the exact dates, write an approximate date (e.g. 01/01/year) and write “approx” or “I can’t remember exact date”.
Q 68	<p>If your house did not have a proper street address, write as many details about where the house was located in your village or town. If you can’t remember the exact dates, write an approximate date (e.g. 01/year) and handwrite “approx.” or “I can’t remember exact date”.</p> <p>There must not be periods of time without an address. For example, if you lived at one address from 01/2000 to 05/2003, next address must start on 05/2003, and the previous address must finish on 01/2000.</p>

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<p>Q 69</p>	<p>If you are unsure whether you have the right to work on your visa, get legal advice.</p>
<p>Q 71</p>	<p>Provide as many details as possible about your previous jobs and employers. If you can't remember some details, such as the address, write "I can't remember address".</p> <p>If you can't remember the exact dates, write an approximate date (e.g. 01/year) and hand write "approx" or "I can't remember exact date".</p> <p>There must not be no periods of time without an explanation. For example, if you worked at one job from 01/2000 to 05/2003, next job period must start on 05/2003 and the previous job period must finish on 01/2000.</p> <p>For any period of time you did not work, provide details about what your daily activities were and how you survived financially. For example, "I stayed at home and helped my mother with housework. My father supported me financially."</p>
<p>Q 72</p>	<p>Provide as many details as possible about you previous education. If you can't remember some details, such as the address, write "I can't remember address".</p> <p>If you can't remember the exact dates, write an approximate date (e.g. 01/year) and hand write "approx" or "I can't remember exact date".</p>
<p>Q 73</p>	<p>Write the details of any criminal investigations, charges, or convictions in any country, or crimes you have committed. Write the details even if the thing you did is not a crime in Australia.</p>
<p>Q 74</p>	<p>Families: It is important to tell the Department all the reasons why any family member could be harmed if they go back to their home country, including children.</p> <p>Different family members can have different reasons for fearing harm. Sometimes children are at risk of different types of harm or are at greater risk of harm than their parents.</p>
<p>Q 75 - 83</p>	<p>This is where you explain why you believe you meet the legal definition of a 'refugee' or 'complementary protection'. For the definition refer to our factsheet titled 'Who is a Refugee?'</p> <p>It is recommended that you write this information in a separate statement and attach it to Form 866. In the boxes write "Please see my statement attached". On your statement write which question number you are responding to (e.g. Q 76 Statement).</p>

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	<p>If you need help writing a statement, call Legal Aid ACT. See our factsheet 'How to Write a Statement'.</p> <p>If there is more than one reason why you left your home country and more than one type of harm that you fear, write down the details of all reasons and all types of harm that you fear. Write reasons specific to you.</p>
<p>Q 84</p>	<p>Write the details of all documents that you have already provided to the Department, or that you want to provide in support of your application. You should only tick "Will provide later" if you are sure that you will be able to provide the document. Write documents you are cannot provide and explain why in Q 85.</p> <p>It is very important that you do not provide any false or fake documents. If you do, your visa application could be refused and any visa could be cancelled.</p> <p>It is very important that you do not provide documents if you don't know exactly what is written in the document. For example, because you can't read it. If a document has a mistake in it, you need to explain why. If you provide a document that contains incorrect information, your visa application could be refused</p> <p>The Department might ask you to provide original copies of all your identity documents. If you can't obtain the originals, you may need to explain why.</p> <p>Documents in another language need to be translated into English by a NAATI accredited translator. See the NAATI website for further information. Link: https://www.naati.com.au</p> <p>Documents in another language also need to be certified by a Justice of Peace or a lawyer.</p>
<p>Q 85</p>	<p>If you cannot provide specific documents, explain why. You can do this in an attached statement if you need more room.</p> <p>A good reason could include:</p> <ul style="list-style-type: none"> • It would be unsafe for you to apply/get this document; or • Your home government refuses to issue you with identity documentation as a result of discrimination or persecution. <p>It is not enough to say they have been destroyed or left behind, it is expected you will replace them because ordinarily you are expected to replace them.</p>

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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


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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