**200.211(2), 201.211(2), 202.211(2), 203.211(2), 204.211(2)**

For each of the Class XB subclasses, Schedule 2 primary criteria provide for a visa to be granted to an applicant who is a member of the immediate family of a proposer in certain circumstances. "Split family" is the colloquial term for these applications.

The split family provisions reflect the policy intention that persons who have been granted a permanent visa under the humanitarian program and entered Australia in a regular manner may propose immediate family members for entry to Australia under the humanitarian program, rather than under the family stream of the migration program.

To meet split family requirements, the applicant seeking to satisfy primary criteria must be a member of the immediate family of a person who holds or held a permanent Class XB visa, an XA-866 Protection visa or a CD-851 Resolution of Status visa.

The applicant must also be proposed in accordance with form 681 by that person (the proposer), and the application must be made within five years of the grant of the visa to the proposer.

Split family applicants are not required to satisfy the time of application criteria relating to persecution or substantial discrimination, and may be living in their home country or elsewhere (other than Australia).

For split family cases, Schedule 2 secondary criteria allows for the grant of a visa to a ***member of the immediate family*** of the main applicant.

Member of the immediate family may include a partner or dependent child and, in limited circumstances, a parent. A parent can be a member of the immediate family only if their child (that is the child who is the proposer or main applicant) has not turned 18.

Note: This definition is more restrictive than 'member of the family unit', which applies to non-split family cases. Refer to Family relationships.

Split family applications are not given a separate allocation under the offshore humanitarian program, but are included in the general regional allocations for each category. Refer to The offshore humanitarian program - Planning and prioritising.

## Split family provisions - primary criteria

### Assessment subclass

In most cases split family applications must be considered under the same visa subclass as the subclass of visa held by the proposer at time of entry to Australia - for example:

- if the proposer holds or held an XB-200 visa, the split family application must be considered under XB-200
- if the proposer holds or held an XA-866 (Protection) or CD-851 (Resolution of Status) visa, the split family application must be considered under XB-202.

### Proposal

**200.211(2)(a), 201.211(2)(a), 202.211(2)(a), 203.211(2)(a), 204.211(2)(a)**

To meet split family requirements, applicants must be proposed by an Australian citizen or permanent resident who:

- holds or held (as applicable):
- a Class XB visa or
- an XA-866 or CD-851 visa

and

- (for other than XB-201) is not a person described in regulation 2.07AM(5).

A proposal form (form 681) must be submitted at the time the application is made and should be accompanied by evidence of the proposer's permanent visa.

If the proposer is a minor, it is preferable (but not obligatory) that the proposal form be completed and signed on the minor's behalf by a responsible adult.

### Time limit for application to be made

**200.211(2)(aa), 201.211(2)(aa), 202.211(2)(ba), 203.211(2)(aa), 204.211(2)(aa)**

A "split family" application must be made within five years of the grant of the proposer's visa - that is, as applicable, their Class XB, XA-866 or CD-851 visa.

### Family relationship

**200.211(2)(b), 201.211(2)(b), 202.211(2)(b), 203.211(2)(b), 204.211(2)(b)**

The applicant seeking to satisfy primary criteria must be a member of the immediate family of the proposer - refer to Member of the immediate family.

If the proposer holds or held a Class XB visa, the applicant seeking to satisfy primary criteria must have been a member of the immediate family of the proposer on the date the proposer's visa was granted. If the proposer holds or held an XA-866 or CD-851 visa, the person seeking to satisfy primary criteria must have been a member of the immediate family of the proposer on the date the proposer made their visa application.

### Applicant must continue to be a member of immediate family of proposer

**200.211(2)(c), 201.211(2)(c), 202.211(2)(c), 203.211(2)(c), 204.211(2)(c)**

The applicant seeking to satisfy primary criteria must, at the time of application, continue to be a member of the immediate family of the proposer.

Primary applicants are not required to satisfy any of the requirements in 20X.211(2) at the time of decision. Among other things, this means that applicants are not required to continue to be a member of the immediate family of the proposer (as per 20X.211(2)(c)) at the time of decision. Refer to Continued eligibility.

For policy and procedure on assessing family relationships refer to Family relationships. Particularly note that a child who is in a de facto relationship or is married or engaged cannot meet the definition of dependent child and therefore cannot be a member of the immediate family. If a child of marriageable age is included in a split family application every effort should be made to confirm the child's relationship status.

### Family relationship must have been declared

**200.211(2)(d), 201.211(2)(d), 202.211(2)(d), 203.211(2)(d), 204.211(2)(d)**

In all cases, the relationship between the applicant who is seeking to satisfy primary criteria and the proposer must have been declared to the department before the proposer's visa was granted. In assessing this requirement officers should check the proposer's file or other departmental records (for example, IRIS or ICSE). Officers should be flexible as to the type of evidence required to demonstrate that a relationship was declared, for example, a file note can be sufficient evidence. Also, as the Regulations do not specify that the relationship must have been declared by the proposer, this means that if the relationship was declared to the department by another person or an organisation (for example, UNHCR), this requirement would be met.

### Other split family case requirements

### As for other Class XB applicants

Split family applicants may be living in or outside their home country.

In all cases, split family applicants must satisfy the same Schedule 2 criteria as other Class XB applicants (other than criteria relating to persecution or substantial discrimination) - refer to:

- Class XB-specific criteria
- Generic criteria.

but also note the following in relation to split family cases.

### Compelling reasons

Before 28 September 2012, it was policy that in most split family cases, s65 delegates could regard the 'compelling reasons' criterion as satisfied on the basis of the applicant's connection to Australia alone. On 28 September 2012 this policy was codified in the Regulations as an alternative, abbreviated form of the original criterion.

The abbreviated form of the criterion applies to XB-200, XB-202, XB-203 and XB-204 applications made by split family of XB-200, XB-202, XB-203 and XB-204 visa holders.

The original form of the 'compelling reasons' criterion, with its 4 factors, is to be applied in full to:

- non-split family applications
- split family applications proposed by XA-866 or CD-851 visa holders and
- split family applications proposed by XB-201 visa holders.

Note: From 28 September 2012 to 21 March 2014, the abbreviated form of the 'compelling reasons' criterion applied also to applications made by split family of XA-866 or CD-851 visa holders who were under 18 at the time the application under consideration was made. Applications assessed on or after 22 March 2014, regardless of when they were made, must be assessed against the four-factor form of the criterion.

Refer also to Compelling reasons.

### Interviewing

All split family applicants who prima facie meet requirements are to be interviewed. This is primarily so that the applicant's identity and family ties to the proposer can be established - refer to:

- Interviewing
- Family relationships.

## Split family provisions - secondary criteria

**200.311(b), 201.311(b), 202.311(b), 203.311(b), 204.311(b)**

### Eligibility

An applicant seeking to meet the secondary criteria must be a member of the immediate family of the applicant who meets primary criteria (the main applicant). Applicants who are not "members of the immediate family" of the main applicant, but are "members of the family unit" of the main applicant, cannot meet the secondary criteria under the split family provisions. This means that only a partner or dependent child of the main

applicant, or a parent of a main applicant who has not turned 18, can meet secondary criteria in a split family case.

Note: An applicant seeking to meet the secondary criteria under the split family provisions does not have to satisfy the primary criteria described above. For example, it is not a requirement that the secondary applicant is a member of the immediate family of the proposer or that the relationship was declared to the department.

In cases where an immediate family relationship was not declared, officers should investigate the reasons and satisfy themselves that the relationship is genuine.

Note: Secondary applicants do not need to be residing in the same country as the main applicant.

### Additional applicants who are not members of the immediate family

Occasionally combined applications are made that include split family members and other family members who do not meet the definition of member of the immediate family of the proposer or main applicant.

Under policy, applications which include "split family members" and adult applicants who do not meet the definition of member of the immediate family should be administratively separated and assessed as two separate applications, that is:

- a split family application and
- a standard (non-split family) application.

In such a case, the non-split family applicant must be assessed in their own right against the primary criteria in all subclasses. That is, they will need to be separately assessed on the basis of their claims to be subject to persecution or substantial discrimination.

Before administratively separating applicants not meeting the "member of the immediate family" definition, officers should ascertain whether they are financially, psychologically or physically dependent on the main applicant (refer regulation 1.05A). If further information is required to make this assessment, it must be requested before administrative separation. In many circumstances, the case will need to be referred to post for interview.

Applications lodged at an SHPC that include:

- split family members **and**
- applicants under 18 years old who are **not** members of the immediate family

- in particular where the applicants live as a family group and there are no other adults responsible for the care of the children - should continue to be processed by the SHPC as one application and referred to post, where a full assessment of the relationship and dependency can be made.

### Woman at risk split family proposer limitation

**204.212(1)**

When considering split family provisions, officers should note that if the proposer holds or held an XB-204 visa, the application must be considered under XB-204. This means that in some cases a male applicant will be granted an XB-204 visa.

Clause 204.212(1) requires XB-204 split family applicants to also satisfy an additional criterion not prescribed for other Class XB-subclasses. Under this provision, a partner cannot be proposed for entry to Australia if:

- the proposer is a woman who was granted an XB-204 visa in the past 5 years and
- on the date the proposer was granted an XB-204 visa
  - the applicant and partner were divorced or permanently separated or
  - the applicant and partner were in a partner relationship but this had not been declared to the department.

This provision is intended to prevent abuse of the XB-204 provisions by persons who divorce or claim permanent separation from a partner to meet visa requirements, and then seek to propose the partner's entry to Australia. The provision is not intended to exclude a partner who is temporarily separated from an XB-204 visa holder due to civil conflict or other circumstances outside their control, whose whereabouts later become known to her and whom she seeks to propose for entry to Australia. The applicant is subject to this bar only if the proposer had claimed her relationship with the applicant had ended permanently, or if the relationship was not declared.

Officers should carefully investigate all XB-204 split family cases in which applicants are proposed by partners who previously claimed the applicants were missing or dead and now seek to propose them for entry. The background to the partner relationship and the circumstances of the claimed separation should be explored at interview, and records of the proposer's application should be checked. In some cases it may be necessary to obtain further information from the proposer.

The sponsorship limitations for partners of XB-204 visa holders also apply to UK-820 - refer to PAM3: Sch2Visa820 - Partner - Preclusion if the Australian partner is a Woman at risk visa holder.

## Locally engaged employee (LEE) visa policy

### About the LEE visa policy

The LEE visa policy was introduced in April 2008 to offer resettlement to persons who had been employed by or worked collaboratively with the Australian Defence Force (ADF) in Iraq and were at risk of harm because of this association. The policy was designed to accommodate future circumstances in other countries where local employees may be at risk of harm because they have assisted Australian Government agencies such as the ADF, DFAT, AusAID and the Australian Federal Police.

This policy is implemented through XB-200 and XB-201. Schedule 2 provides for the Minister to specify by instrument a 'class of persons' eligible for resettlement under this policy. The Minister is required to consult with the Prime Minister, the Minister for Finance and Deregulation and other relevant government ministers before making such an instrument. On 1 January 2013 certain Afghan local employees were added by instrument as a 'class of persons'.

To be granted a visa under this provision, an applicant must be certified at the time of application by a relevant government minister as a member of the class of persons and at risk of harm for that reason.

## Processing arrangements

Special visa processing arrangements may exist for applications being considered for an XB-200 or XB-201 visa on the basis of their falling within the LEE visa provision. Officers who receive an application from a person claiming to fall within these provisions should email Humanitarian Programme Management Section via the Humanitarian Helpdesk for advice.

### Eligibility

#### Schedule 2 requirements

LEE applicants are not required to meet the time of application criteria in 200.211(1)(a) or 201.211(1)(a) relating to persecution, and may be resident in their home country or another country other than Australia.

Under policy, LEE applicants who are in their home country, which is generally the country in which they provided assistance to the Australian Government, should normally be considered for an XB-201 visa before an XB-200 visa and other subclasses of Class XB. LEE applicants who are outside their home country should be considered for an XB-200 visa before an XB-201 visa or other Class XB visa.

#### Relevant Minister

**200.111**, **201.111**

A ***relevant Minister*** is any of the following: the Attorney-General, the Minister for Defence, the Minister for Foreign Affairs, the Minister for Home Affairs and the Minister for Immigration and Citizenship. (These are not necessarily current portfolio names, however, refer to PAM3: Div1.2 – Interpretation - References to ministers, departments and secretaries.)

The relevant Minister in each circumstance will vary depending on the description of the class of persons specified in writing by this department's minister. The 'relevant Minister' will be the minister responsible for the department or agency that has engaged the applicant or the applicant assisted.

### Class of persons

**200.211(1A)(a)**, **201.211(1A)(a)**

The Minister may specify in an instrument in writing one or more classes of persons eligible for resettlement under this provision.

An instrument may, for example, specify as a characteristic of a class of persons that the person is employed by or works collaboratively with the Australian Government.

**200.211(1B)**, **201.211(1B)**

Before making an instrument in writing, the Minister must consult with the Prime Minister, the Minister for Finance and Deregulation, and any other minister who has an interest in the specification of that class of persons or that is affected by the specification. In practice, the consultation process will take place through an exchange of letters between ministers.

### Applicant must be certified

**200.211(1A)(b)**, **201.211(1A)(b)**

The applicant must have been certified by the relevant Minister as falling within one of the classes of persons specified in the instrument. The certification must also state that the applicant is at risk of harm because they fall within this class of persons.

In practice, the relevant minister will write to the Minister for Immigration and Citizenship to advise of an applicant's certification.

Humanitarian Programme Management Section should be contacted to provide formal advice as to whether an applicant has been certified by the relevant Minister.

## Other LEE case requirements

### The applicant must continue to be certified

**200.221**, **201.221**

At time of decision the applicant must continue to be identified by the relevant minister as falling into a specified class of persons and at risk of harm for that reason. Provided the instrument has not been withdrawn and information has not been received that the ***relevant Minister*** no longer certifies a particular applicant, it can be accepted that the applicant satisfies 200.221 or 201.221.

### Compelling reasons

**200.222**, **201.222**

When considering if there are compelling reasons for granting the applicant an XB-200 or XB-201 visa, officers should take into account:

- those who have served the Australian Government are at risk of harm in their home country and possibly also in neighbouring countries because of that relationship
- having put themselves at risk of harm by serving the Australian Government, LEE applicants have a significant connection to Australia.

## The Community Proposal Pilot and the Community Support Programme

### Background

### About the CPP and the CSP

The Community Proposal Pilot (CPP) is a program trialled by the Australian Government to provide a mechanism for community organisations to identify people in humanitarian situations overseas and assist them to apply for Refugee and Humanitarian (Class XB) visas and to settle in Australia. Its purpose was to test the capacity of the Australian community to provide a substantial financial contribution towards the costs of humanitarian settlement and practical support to assist humanitarian entrants to settle successfully.

On 1 July 2017, the pilot closed to new applications and its permanent replacement, the Community Support Programme (CSP), commenced.

The CSP allows communities and also businesses, as well as families and individuals, to propose applicants for XB-202 visas and support their settlement in Australia. Approved Proposing Organisations must show they can assist applicants to achieve financial self-sufficiency within their first year in Australia. An assurance of support is required for working age applicants.

As the CPP and the CSP are part of the offshore humanitarian program, visa grants must be consistent with the size and composition, as well as the regional and global priorities, of the offshore program as a whole - refer to Regional and global priorities and Out of region cases.

Unfinalised CPP applications should be processed as usual, in accordance with this instruction.

Pending publication of guidelines on the CSP, contact Humanitarian Programme Management Section via the Community Proposal Pilot mailbox or the Humanitarian Helpdesk.

## Involved organisations

### Approved proposing organisations (APOs)

APOs are organisations that have entered into a deed of agreement with the department. They are responsible for liaising with their local communities to identify people to propose for a humanitarian visa and coordinating:

- submission of forms 842 and 1417, and
- payment of VACs.

APOs are also required to oversee settlement support of successful applicants for up to 12 months after arrival.

Only APOs can propose a visa applicant under the CPP or the CSP. To constitute a valid application under the Pilot, form 842 must be lodged at an SHPC together with a form 1417 (Proposal for refugee and special humanitarian entrants by Approved Proposing Organisation) and the visa application charge (refer to Visa application charge).

APOs may work independently or with the assistance of a supporting community organisation (SCO).

Officers should be aware that APOs do not deliver services on behalf of the Commonwealth.

## Supporting community organisations (SCOs)

An SCO is an organisation appointed by the APO to perform part or all of the APO's obligations under the deed of agreement with the department.

SCOs work under the guidance of the APO to ensure that the required settlement services and support are provided to humanitarian entrants for the first 12 months after arrival in Australia.

Although an APO may authorise the SCO to provide services on the APO's behalf, the APO will ultimately be responsible for ensuring all services and support obligations are met. As part of the deed of agreement with the department, APOs are required to advise the department of the SCOs with whom the APO is working.

## APO obligations under the deed

Prior to a client's arrival in Australia, the APO is required under the deed of agreement to coordinate :

- completion and lodgment of forms 842 and 1417
- payment of the visa application charge at time of lodgment
- payment for medical assessments that are required for the visa application process and
- payment for airfares to Australia.

On a client's arrival in Australia, the APO is required under the deed to ensure they receive:

- initial arrival services including:
  - reception of the entrant at the airport or other arrival port
  - on-arrival clothing and footwear, if required
  - appropriate food for 5 days
  - on-arrival emergency medical assistance, if required and
  - transport to their accommodation
- safe, secure and clean accommodation that is appropriate for the family size, composition, needs and within the financial means of the entrant
- furnishings that are appropriate for the family size, composition and needs of the entrant
- the following assistance within 5 days of arrival in Australia:
  - assisting the entrant to locate their nearest Centrelink office, Medicare office and bank and
  - assisting the entrant to register their details with their nearest Centrelink office, Medicare office and bank.

The APO is also required to register entrants for a general health assessment, within 4 weeks of the entrant's arrival in Australia; and if an entrant requests, provide assistance with any follow up or other health assessments that may be identified.

Other settlement assistance that the APO will provide includes:

- referring entrants into the Adult Migrant English Program
- assisting entrants who require interpreting services by referring them to the TIS National
- assisting entrants to find employment, including assisting them with referrals to Job Services
- assisting entrants to adjust to life in Australia, such as by providing orientation to their local community
- educating entrants about the rights and responsibilities of Australian permanent residents, including residential and tenancy rights and responsibilities
- if required, providing assistance to entrants in:
  - registering children at the nearest appropriate school and
  - arranging childcare.

## Duration of obligations under the deed

The period over which an APO must meet the obligations under the deed is up to 12 months following the entrant's arrival in Australia. An APO may seek to end the proposal period sooner if the entrant has settled well.

Refer to Discharge of obligations.

### Supporting community organisations

An APO may appoint SCOs to undertake, on its behalf, any of its obligations under the deed. However, the APO retains the ultimate responsibility as a party to the deed.

### Feedback mechanisms

Humanitarian entrants will be encouraged to discuss any issues or concerns they may have with their APO or SCO in the first instance.

Humanitarian entrants, APO and SCO may also forward any issues or concerns they may have to the Global Feedback Unit:

Phone: 133 177

Web: http://www.border.gov.au/about/contact/provide-feedback

Mail: Global Feedback Unit, GPO Box 241, Melbourne, VIC, 3001.

Alternatively, issues or concerns can be emailed to Community Proposal Pilot.

### Discharge of obligations

The APO is considered to have fulfilled its obligations under the deed, and the entrant formally exited the CPP or the CSP, when:

- the APO is satisfied that the required settlement support (refer to APO obligations under the deed) has been provided over a period of up to 12 months, following the entrant's arrival in Australia and
- the 3 monthly report, which provides details of the settlement support obligations provided, at the end of the 12 month period has been received by the department at the time of exit.

In determining whether an entrant has settled successfully, the department will look at a number of initial indicators. These indicators include whether the entrant can: find government services and other services that can help them; make appointments; use public transport; manage their money; resolve tenancy issues; know how to find work; know how to find further education.

Should the APO believe an entrant has settled successfully, and no longer requires settlement support, the APO may seek to formally exit the entrant. The deed requires the APO to:

- ensure obligations under the deed have been fulfilled
- notify the department in writing that the entrant has settled successfully and no longer requires settlement support
- satisfy any queries the department may have in relation to the APO's obligations towards the entrant.

### Working with APOs

It is APOs' role to propose persons for a humanitarian visa by submitting the appropriate application forms and ensuring the visa application charge is paid by the supporting Australian community. APOs are also responsible for coordinating the payment of other application-related costs.

To coordinate this process, APOs are instructed to establish themselves as authorised recipients for the applications they propose. Case officers should ensure that all application-related correspondence is copied to the APO representative. If case officers are unsure whether APOs are appropriately established as authorised recipients for the application, they should contact the Humanitarian Helpdesk.

APOs are not authorised to select applicants to propose on the strength of their humanitarian claims or the degree of their humanitarian need. APOs also make no assessment of the applicants they propose against humanitarian criteria. Proposal by an APO and/or payment of a VAC should not influence decision makers' assessment of the merits of the application.

APOs may be helpful in coordinating the provision of any required additional information for case officers and the progression of applications they have proposed. APOs may at times advocate for the expedited processing of the applications they have proposed. Notwithstanding the priority processing that is to be afforded to these applications, this kind of advocacy is not a requirement of APOs under the deed of agreement. In responding to enquiries from APOs, officers may email Humanitarian Programme Management Section via Community Proposal Pilot or the Humanitarian helpdesk for advice.

#### APOs and Migration Agents

If an applicant has both an APO and a migration agent attached to their application, for advice on notification email Humanitarian Programme Management Section via Community Proposal Pilot or the Humanitarian Helpdesk.

#### Applicants with both CPP or CSP and SHP applications

Applicants under the Community Proposal Pilot or the Community Support Programme may also have a separate SHP application under consideration by the Department.

If an SHPC or post has both on hand, the SHP application should be held, and the CPP or CSP application prioritised. The SHP application should **not** be progressed until the CPP or CSP application has been finalised.

The CPP or CSP application should be assessed as normal and the SHP application should be administratively paused.

A CPP or CSP application cannot be paused or held while another Class XB application is pursued. The CPP or CSP application must be progressed as per usual practice and the applicant must continue to engage with this process as normal (including arranging payment for medical checks and VACs), otherwise the application may be refused.

### CPP- and CSP-specific criteria

The following criteria were deleted on 1 July 2017 from all XB subclasses other than XB-202. They continue to apply to unfinalised applications made under the Community Proposal Pilot (that is, before 1 July 2017) and to applications made under the Community Support Programme (from 1 Jul 2017).

#### Approved proposing organisation (APO)

**200.111**, **201.111**, **202.111**, **203.111**, **204.111**

An *approved proposing organisation* is an organisation that has entered into a deed of agreement with the department relating to the proposal of applicants for Class XB visas and the provision and management of resettlement services to those applicants. The deed must be in effect and not suspended.

A list of APOs is on Govdex.

Humanitarian and International Protection Policy Section will advise officers of suspended or terminated deeds of agreement.

#### Form 1417 (Refugee and Special Humanitarian proposal) by an APO

**200.212**, **201.212**, **202.212**, **203.212**, **204.211A**

The applicant's entry to Australia is to be proposed by an APO in accordance with form 1417 (Proposal for refugee and special humanitarian entrants by Approved Proposing Organisation).

The application is valid only if form 1417 was posted or couriered with the visa application (form 842) to the SHPC - refer to:

- Schedule 1 item 1402(3)(a) and its associated legislative instrument
- Application validity and decision making framework.

Applications for a Class XB visa must not be proposed by an APO on behalf of persons described in regulation 2.07AM(5).

#### Proposal by APO must be in effect at time of decision

**200.221, 201.221, 202.221, 203.221, 204.221**

Applicants must be proposed by a current APO at the time the application is made and when the application is decided.

# Class XB-specific criteria

This part provides policy and procedure on criteria that are common to all or most of the Class XB visa subclasses.

## Time of decision criteria

#### Schedule 2 requirements

##### Continued eligibility

**200.221, 201.221(1), 202.221, 203.221, 204.221**

For each of the Class XB subclasses, if the applicant is subject to persecution or substantial discrimination or is a woman at risk, officers must be satisfied that the relevant criteria are satisfied at time of application and continue to be satisfied at time of decision.

Generally, officers may, without the need for further assessment, consider that the relevant criteria continue to be satisfied at time of decision. If there is reason to consider otherwise, for example, if conditions in the applicant's home country have changed such that the applicant is no longer subject to persecution or substantial discrimination, a further assessment should be made in light of the new circumstances. Such cases will be rare, and should be brought to the attention of Humanitarian Programme Management Section before any decision is made.

For split family cases, officers can assume that 20X.221 is taken to be satisfied. This is because the High Court has found that 202.221 did not require an XB-202 primary applicant to satisfy any of the requirements in 202.211(2) at the time of decision.

This finding affects all Class XB subclasses. Among other things, this means that primary applicants are not required to continue to be a 'member of the immediate family' of the proposer (that is, as per 20X.211(2)(c)) at the time of decision. For example, a primary applicant will satisfy 20X.221 even though the applicant:

- has ceased to be a spouse or de facto partner of the proposer at the time of decision or
- has ceased to be a dependent child of the proposer at the time of decision or
- is a parent of the proposer, and the proposer has turned 18 years old at the time of decision.

The existence of any of these circumstances may, however, affect the weight the s65 delegate puts on the extent of the applicant's connection to Australia when assessing the application against the "compelling reasons"

criterion. For further guidance, email Humanitarian Programme Management Section via the Humanitarian Helpdesk.

### No change in circumstances

Under s104 of the Act, applicants are required to notify the department of any change in their circumstances. It follows that applicants must advise the department of any changes in their family composition, for example, as a result of birth, death or change in relationship status. If no such notification is received and there is no reason to believe that there has been a change in the applicant's circumstances, officers may generally consider that criteria relating to family composition continue to be met at time of decision.

If a significant time has elapsed since the application was made, officers should take reasonable steps to satisfy themselves that there has been no material change in the applicant's family composition. This can be done via a brief interview or by asking the applicant to advise in writing whether there has been any change in their circumstances.

### Persecution

**200.211(1)(a), 201.211(1)(a), 203.211(1)(a), 204.211(1)(a)**

Class XB subclasses other than XB-202 prescribe primary criteria relating to persecution.

Neither the phrase 'subject to' nor 'persecution' is defined for the purpose of Class XB, therefore the common meaning of these words is to be used in interpreting the criteria.

'Persecution' requires repeated or persistent oppression, injury, maltreatment or harassment.

The various subclass criteria state that the applicant is to be 'subject to persecution'. This requires a determination whether the individual applicant is 'subject to persecution'. Whether the applicant 'is subject to' persecution requires an assessment of the available evidence as to whether the applicant is open to, or exposed to, or under the domination of, persecutory acts in their home country.

In assessing claims of persecution, officers should take into account the following:

- any threat to the applicant's life, liberty or security
- continued or periodic harassment, detention or arrest
- exile from the home country or to a remote area within that country
- arbitrary arrest, detention or exile (except during emergencies if such measures may be considered necessary to safeguard the safety and rights of others and to maintain order)
- torture or cruel, inhuman or degrading treatment
- slavery or servitude without compensation
- confiscation of property or assets
- indoctrination or re-education.

Officers should also take the applicant's personal profile into account. A person with a relatively high profile may be subject to a greater degree of oppression or other actions amounting to persecution. The political or other associations of the applicant's family may also be relevant to and provide support for claims of persecution.

In situations of civil disorder where the rule of law has broken down, many people may lose their jobs and homes, experience hardship and become a victim of criminal behaviour. These circumstances do not necessarily constitute persecution. An applicant would not generally be considered to be subject to persecution if:

- they were detained in their home country for criminal activity, unless they attracted a heavier penalty than normal
- they are avoiding (or have avoided) military service that is based on general conscription requirements in the home country

- they have suffered economic hardship in a context where the general economic situation in a country is in issue
- they have left their home country illegally but such action would not incur harsh and oppressive punishment on return
- they have left their home country due to economic hardship or natural disaster.

Officers need to be mindful not to apply the Refugees Convention test or definitions or terms, as these matters are not relevant to the criteria. Officers should take care to avoid using terms that indicate or could give rise to the perception that they have applied terms or interpretations of terms from the Refugees Convention in their assessment. Expressions to be avoided include ‘targeted’, ‘singled out’, ‘real chance’, ‘for reason of’ and ‘particular social group’. Any interpretation that imports definitions from the Convention or deviates from the common meaning of persecution is an error of law.

Officers also need to be aware that they shouldn't embark on an exercise of comparison, nor require applicants to be subject to more persecution than others in their country. Officers should undertake the assessment of whether the applicant is subject to persecution on the basis of the individual case.

## Substantial discrimination

**202.211(1)(a)**

'Substantial discrimination amounting to gross violation of human rights' is not defined in legislation, therefore it should be taken to have its common meaning.

'Discrimination' requires an unfavourable distinction against the applicant in their home country.

In assessing claims of discrimination, officers should explore the following:

- arbitrary interference with the applicant's privacy, family, home or correspondence
- deprivation of means of earning a livelihood, denial of work commensurate with training and qualifications and/or payment of unreasonably low wages
- relegation to substandard dwellings
- exclusion from the right to education
- enforced social and civil inactivity
- removal of citizenship rights
- denial of a passport
- constant surveillance or pressure to become an informer.

In situations of civil disorder where the rule of law has broken down, many people may lose their jobs and homes, experience hardship and become a victim of criminal behaviour. These circumstances do not constitute discrimination unless it is apparent an unfavourable distinction has been made against the applicant.

For 'substantial discrimination', s65 delegates should assess whether the amount of discrimination or the impact of the discrimination is considerable and real (not imagined or fanciful).

Officers should consider whether the amount or impact of the discrimination is such that it would extend to or qualify as gross breaches or infringements of human rights. The impact of cumulative actions may be assessed as whether they extend to gross violations of human rights. 'Gross violations' are flagrant or cumulative actions that are breaches or infringements of human rights.

Officers also need to be aware that they shouldn't embark on an exercise of comparison, nor require applicants to be subject to a higher level of substantial discrimination than others in their country. Officers should undertake the assessment of whether the applicant is subject to substantial discrimination amounting to a gross violation of human rights on the basis of the individual case.

## Compelling reasons

**200.222**, **201.222**, **202.222**, **203.222**, **204.224**

### About this criterion

The ‘compelling reasons’ criterion is a primary criterion in all Class XB subclasses. The criterion prescribes the following 4 factors to which officers must have regard in assessing whether there are ‘compelling reasons’ for giving ‘special consideration’ to granting the applicant a permanent visa:

- The degree of persecution (or discrimination) to which the applicant is subject in their home country – refer to The degree of persecution or discrimination.
- The extent of the applicant’s connection with Australia – refer to The extent of the applicant’s connection with Australia.
- Whether or not there is any suitable country available, other than Australia, that can provide for the applicant’s settlement and protection – refer to Other suitable country.
- The capacity of the Australian community or the proposing organisation (for Community Proposal Pilot or Community Support Programme applications) to provide for the settlement of persons such as the applicant – refer to Australian community’s capacity.

The words 'compelling reasons' and 'special consideration', should be given their ordinary dictionary meaning.

On 28 September 2012, an alternative, single-factor form of this criterion was inserted in the regulations for all Class XB subclasses except 201. This form puts into law the policy for split family cases of regarding the 'compelling reasons' criterion as satisfied on the basis of the extent of the applicant's connection to Australia alone. The single-factor form applies to applications made by split family of XB-200, XB-202, XB-203 and XB-204 visa holders.

The original form of the ‘compelling reasons’ criterion, with its 4 factors, is to be applied in full to:

- claims-based applications
- applications proposed by split family of XA-866 or CD-851 visa holders and
- applications proposed by XB-201 visa holders.

For split family applicants who have not provided claims, it will be necessary to write to them about the changed processing arrangements and give them an opportunity to submit claims.

For applications under the Community Proposal Pilot or the Community Support Programme, refer to 'Compelling reasons' criterion for CPP AND CSP applications.

### Background to the 'compelling reasons' criterion

It is a reality of the global situation that every year many more persons apply for a Class XB visa than Australia has the capacity to accept. From a pool of many applicants, officers must ensure that the limited resettlement places available each year are offered to those applicants for whom there are compelling reasons for resettlement. This is, by necessity, a subjective process.

The four-factor 'compelling reasons' criterion is the mechanism that allows officers to make weighted decisions on visa applications in assessing the case against the factors set out in (a) to (d) in 200.222, 201.222, 202.222, 203.222, and 204.224.

The four factors should be considered both individually and cumulatively. For example, the applicant’s circumstances might, when considered cumulatively, present compelling reasons for giving special consideration to granting a visa. Further, if little weight has been attached to one factor, but another has been accorded greater weight, the overall effect might be that the criterion is satisfied.

The single-factor ‘compelling reasons’ criterion was introduced as a concession for immediate family members of those who migrated in a regular manner, having applied for and been granted a Class XB visa offshore. Until 22 March 2014, this concession applied also to “split family” applications proposed by XA-866 or CD-851 visa holders who were under 18 at the time the application was made. Applications of this kind that are assessed on or after 22 March 2014 must be assessed against the four-factor form of the criterion.

When assessing the 'compelling reasons' criterion, officers should be aware of the following background:

- the Government's current priorities for resettlement of persons under the humanitarian program, as announced each year, including the number of visa places available under the refugee and special humanitarian program categories and
- the current and predicted application rates for persons in the relevant categories.

|Officers should have regard to this background in determining whether an applicant should be given 'special consideration' for grant of a visa.

If the s65 delegate is not satisfied there are compelling reasons for giving special consideration to grant of a visa, they must refuse the application.

### The degree of persecution or discrimination

The Government recognises that most applicants for a refugee and humanitarian visa face persecution, discrimination or significant hardship in their home country. While an officer might accept an applicant's claim to have experienced or be subject to persecution or substantial discrimination, this is not the issue being addressed here.

In assessing this factor, the officer is required to assess the degree of persecution or discrimination faced by the applicant in their home country. The degree of persecution or discrimination involves a spectrum of persecution or discrimination, within which the applicant's individual circumstances will fall, as determined by the degree, that is, level, or amount of persecution or discrimination. Officers should not embark on a comparative analysis between the applicant and others in their home country, and the degree of persecution or discrimination is to be assessed in the context of the individual case. The officer should consider whether the degree of persecution is sufficient (either as an individual factor or cumulatively with the other factors) to amount to compelling reasons for giving special consideration to granting a permanent visa.

For further advice on assessing claims of persecution and discrimination, refer to:

- Persecution
- Substantial discrimination.

The last three factors that must be given regard to in assessing whether there are compelling reasons for giving special consideration to granting the applicant a permanent visa are self-explanatory. However, officers should refer to the background, set out above, for context.

### The extent of the applicant's connection with Australia

In assessing this factor, officers should consider any family or social ties the applicant has in Australia. In considering the extent of the connection officers should have regard to the nature and closeness of the relationship between the parties, not just the familial relationship. Officers should consider the support to be provided (or received) by the family members in Australia, which may include any of financial, physical or psychological support.

Officers should weigh the strength of the relationships and links to Australia against the strength of relationships and links to other countries.

Cases may also arise in which the strength of a non-familial relationship may be such as to warrant special consideration against this factor.

In assessing split family applications, officers should consider known facts about the nature of the relationship, whether the "split family" members intend to live as a family or provide mutual support to each other as a family, or instances of family violence reported by UNHCR or another credible source. Officers may consider that such negative circumstances lessen the weight that should be given to the connection with Australia factor in assessing the "compelling reasons" criterion.

### Other suitable country

If information is available (for example, from UNHCR) that an applicant currently has the offer of resettlement in another country which can provide protection, this will be a strong negative factor which officers should consider.

Similarly, if the applicant has permanent residence and protection in another country, or there is a very strong (and not merely week-to-week) temporary arrangement, then the "compellingness" of their case may be diluted.

Officers should also consider whether the applicant may have a right to obtain residence in another country, for example, through a spousal relationship.

If no evidence is available to suggest that an applicant is currently eligible for residence in another suitable country, then this factor need not be further considered.

### Australian community's capacity

The Australian community does not have the capacity to offer resettlement to all persons who seek entry to Australia under the humanitarian program. Officers should consider the stated Government priorities and the size of the program when assessing this factor.

Applicants who have been assessed as refugees by UNHCR and formally referred to Australia for resettlement are a priority for the Government and on this basis officers will generally be in a position to conclude that there are compelling reasons for giving special consideration to granting such applicants a permanent visa.

Applicants who are not proposed for resettlement and have not been formally referred by UNHCR for resettlement in Australia have a lower Government priority than other groups of applicants.

Applicants to whom 200.211(1A) and (1B) or 201.211(1A) and (1B) apply have the highest Government priority and officers may readily conclude that there are compelling reasons for giving special consideration to granting such applicants a permanent visa.

If the applicant has a proposer, officers must consider the level of support available to the applicant from the proposer or other friends, relatives or organisations in Australia in assessing the capacity of the Australian community to provide for the permanent settlement of persons such as the applicant.

### 'Compelling reasons' criterion for CPP and CSP applications

Applications under the Community Proposal Pilot (CPP) and the Community Support Programme (CSP) are assessed against a different 'compelling reasons' criterion.

The four 'compelling reasons' factors for applicants under CPP or CSP are identical to those for other applications with the exception that the fourth 'compelling reasons' criterion refers to the capacity of the APO (as opposed to the capacity of the Australian community ) to provide for the permanent settlement of persons such as the applicant in Australia.

The four-factor 'compelling reasons' criterion is the mechanism that allows officers to make weighted decisions on visa applications when assessing the case against the factors set out in (a) to (d) in 200.222(2), 201.222(2), 202.222(3), 203.222(2) and 204.224(2).

The four factors should be considered both individually and cumulatively. For example, the applicant's circumstances might, when considered cumulatively, present compelling reasons for giving special consideration to granting a visa. Further, if little weight has been attached to one factor, but another has been accorded greater weight, the overall effect might be that the criterion is satisfied.

Three of the factors are the same as those in the 'compelling reasons' criterion for other applications and should be considered in the same way. Refer to:

- The degree of persecution or discrimination
- The extent of the applicant's connection with Australia
- Other suitable country.

#### APO's capacity

As persons granted Class XB visas under the CPP and the CSP are not provided with services through the HSP, the capacity of the APO to provide for the permanent settlement of the applicant in Australia needs to be assessed.

In assessing this criterion, officers should consider the circumstances and needs of the applicant and the level of support available to the applicant from the supporting community.

Officers should give particular consideration to the level of support available to the applicant from the supporting community where the applicant's circumstances may indicate a need for more intensive settlement support. These circumstances include, but are not limited to:

- significant disability or health issue
- unaccompanied minors and cases with a primary applicant who is a minor
- significant adverse psychological effects of torture and trauma
- applications with a female primary applicant who is at risk.

In assessing applications from applicants in these circumstances, officers should take into consideration the entirety of the applicant's circumstances, such as the extent of the applicant's family in Australia, in determining the capacity of the APO to provide for the applicant's resettlement.

It is recommended that officers at post contact the APO to discuss additional measures or services that may be required to cater for the applicant's particular settlement needs.

If officers are not satisfied that the supporting community has the capacity to provide the necessary level of support, officers should email Humanitarian and International Protection Policy Section via the Community Proposal Pilot mailbox.

### Regional and global priorities

**200.223**, **201.223**, **202.223**, **203.223**, **204.223**

It is a requirement for all Class XB visa subclasses that the permanent settlement of the applicant in Australia would be consistent with the regional and global priorities of the Commonwealth in relation to the settlement of persons in Australia on humanitarian grounds.

The phrase 'regional and global priorities' refers to caseloads, identified by nationality, ethnic or religious group, or other characteristic, and country, to which places are allocated, by region, post and subclass, each program year , to the offshore humanitarian program as determined by the government. An applicant satisfies this criterion if there is a place available for the grant of a visa to a person such as the applicant - refer to The offshore humanitarian program - Planning and prioritising for further details.

### Permanent settlement appropriate and not contrary to Australia's interests

**200.224**, **201.224**, **202.224**, **203.224**, **204.222A**

The criteria for all visa subclasses under Class XB contain the requirement that permanent settlement in Australia be the appropriate course for the applicant, and not be contrary to the interests of Australia.

#### Settlement as the appropriate course for the applicant

#### Considerations

In assessing this criterion officers should consider whether other durable solutions would be more appropriate for the applicant than permanent resettlement in Australia. The Australian government recognises that

resettlement is only one of the available durable solutions to the circumstances of refugees. The government supports the internationally recognised approach of UNHCR of three durable solutions for refugees. These solutions, in order of internationally agreed preference, are:

- voluntary repatriation under safe and suitable conditions
- integration in the country or region of first refuge
- resettlement in a third country.

#### Interviewing

To assess the appropriateness of resettlement in Australia, officers may seek additional information, for example, as to:

- whether the applicant has left the country of first asylum since their first arrival and, if so, the dates of departure and return, destinations and purposes of the trips should be recorded
- whether the applicant is legally in the country of first asylum and, if so, the period of time and the conditions under which the local authorities permit them to remain should be recorded
- the residence status of immediate relatives in other countries of potential settlement and
- whether the applicant has made efforts to settle in other countries.

Officers must be satisfied that voluntary repatriation, integration in the country or region of first refuge or resettlement in a country other than Australia are not appropriate in the applicant's case.

Officers must give particular regard to this criterion when assessing any application involving an unaccompanied humanitarian minor. Refer to PAM3: Refugee and Humanitarian - Unaccompanied Humanitarian Minors (UHM) Programme.

#### Australia's interests

Officers must also be satisfied that the permanent settlement of the applicant in Australia is not contrary to the interests of Australia. Officers may have regard to a wide range of considerations that include but are not limited to the following:

- permanent settlement of the applicant in Australia could harm Australia's relations with another country
- the relevant officer is not satisfied of the applicant's identity for reasons that may include the provision by the applicant of false or misleading information
- departmental checks identify security concerns relating to the applicant.

In reaching a finding that the criterion is not satisfied for reasons related to Australia's interests, officers must:

a. explain why the particular concern identified means that permanent settlement of the applicant would be contrary to Australia's interests; and
b. afford the applicant appropriate procedural fairness.

For policy and procedure on the procedural fairness provisions, refer to PAM3: GenGuideA - All visas - Visa application procedures.

If there are no indications that the applicant's settlement would be detrimental to Australia's interests for any reason, officers may consider this criterion to be satisfied.

## Generic criteria

## Visa capping

#### Number of visas granted

**200.225**, **201.225**, **202.226**, **203.225**, **204.225**

For all subclasses under Class XB it is a requirement that the number of visas granted each year would not exceed the maximum number that may be granted as determined by legislative instrument.

This criterion relates to the provisions under the Act for visa capping. Do not confuse this criterion with the allocation of places under the offshore humanitarian program, as described in Program formulation.

Policy and procedure on visa capping are in PAM3: GenGuideA - All visas - Visa application procedures - Program management. There is currently no legislative instrument limiting the number of Class XB visas that may be granted in a financial year. Unless such limits are introduced by legislative instrument, this criterion is satisfied without further enquiry.

## Public interest and related criteria

### About PICs

**200.226**, **201.226**, **202.227**, **203.226**, **204.226**, **200.323**, **201.323**, **202.323**, **203.323**, **204.323**

All Class XB visa applicants must satisfy several public interest criteria (PICs) before a visa can be granted.

Members of the family unit (or, if applicable, members of the immediate family) included in the application must also satisfy PICs.

If the main applicant or any other applicant who is included in the application fails to satisfy a PIC, all applicants must be refused a visa - refer to The "one fails, all fail" criterion.

### The "one fails, all fail" criterion

**200.229**, **201.229**, **202.229**, **203.229**, **204.229**

Certain PICs must also be satisfied by non-migrating family unit members, that is, members of the family unit who are not included in the application. If a member of the family unit fails to satisfy a PIC, the visa applicant must be refused a visa, whether or not the member of the family unit is an applicant for a visa.

The requirement for non-migrating family unit members to undergo (as part of the "one fails, all fail" criterion) PIC 4007 health checking may be waived if officers are satisfied that it would be "unreasonable" to require the family unit member to undergo assessment in relation to that criterion. For policy and procedure on this "waiver" provision, refer to PAM3: Sch4/4005-4007 - The health requirement - Health assessment - Permanent and provisional visas.

### The Class XB health requirement

#### PIC 4007

The health requirement is as prescribed in PIC 4007.

Guidelines on assessing health criteria are in PAM3: Sch4/4005-4007 - The health requirement. Officers should familiarise themselves with this document for all matters relating to the assessment of health criteria, including:

- the validity of health clearances and extending health clearance validity
- the "one fails, all fail" requirement in relation to health checking
- health waiver provisions
- health undertakings
- procedures to be followed when an applicant fails health requirements.

#### The health waiver - Class XB visas

PIC 4007 provides for waiver of the health requirement. Waiver must always be considered if an applicant fails to meet the health requirement. PAM3: Sch4/4005-4007 - The health requirement - The PIC 4007 health waiver - PIC 4007 waivers for humanitarian visas sets out the procedure to follow in considering waiver in Class XB cases.

From 1 July 2012, under policy, no costs are to be considered undue.

It is important that Humanitarian Programme Management Section be advised of all serious medical conditions (even if the estimate of costs is below AUD 200 000) as they may affect applicants' fitness to travel and settlement needs. If health concerns are such that a medical escort is necessary, officers should email (via Humanitarian Program Management and Operations) Refugee and Humanitarian Assistance Section.

If the applicant is applying under the Community Proposal Pilot or the Community Support Programme, officers must email (via Community Proposal Pilot) the APO supporting the application.

### Payment of medical fees for PIC 4007

The medical checks undertaken for the purposes of applications under the Community Proposal Pilot or the Community Support Programme are paid for by the APO.

The cost of all other medical checks undertaken for the purpose of Class XB applications is met by the department. Most posts have arrangements with the local IOM office under which IOM pays panel doctor and radiologist fees on behalf of the department and are reimbursed by Refugee and Humanitarian Programme Branch. Other posts pay doctor and radiologist fees on behalf of visa applicants and are given the relevant codes for these charges to be borne by Refugee and Humanitarian Programme Branch.

Procedures for the payment of such fees vary from post to post, according to local conditions. Enquiries should be emailed via Humanitarian Program Management and Operations to Refugee and Humanitarian Assistance Section.

## The Class XB character requirement

### PIC 4001

The character requirement is PIC 4001. Policy and procedure on assessing PIC 4001 are in:

- PAM3: Act - Character and security - s501 - The character test, visa refusal and visa cancellation
- PAM3: Act – Character and security – Penal checking handbook.

Officers must familiarise themselves with these instructions. As there are several issues that are particularly relevant to the offshore humanitarian program, an overview of the character checking process is given below.

### The character test

PIC 4001 requires that the applicant pass the ***character test***, which is defined in s501(6) of the Act. Briefly, an applicant does not pass the character test if they:

- have a ***substantial criminal record*** (defined at s501(7) of the Act) or
- have or had an association with a person, group or organisation reasonably suspected of being involved in criminal conduct or
- are not of good character having regard to their past and present conduct (including involvement in war crimes or crimes against humanity) or
- are likely to engage in criminal conduct in Australia, or harass, molest, intimidate or stalk another person in Australia or
- are likely to vilify a segment of the Australian community or incite discord in the Australian community or in a segment of that community or
- are likely to represent a danger to the Australian community or to a segment of that community.

### Checking procedures

In deciding whether a Class XB applicant passes the character test, officers should:

- check the applicant against the Movement Alert List (MAL) and any local warning records held at the post
- carefully check the applicant's answers to the character questions in form 842
- request penal checks from all countries in which the applicant, since reaching 16 years of age, has lived for 12 months or longer in the last 10 years (subject to the exemptions mentioned below).

### Penal checks

Officers should request penal checks for any country in which the applicant, since reaching 16 years of age, has lived for at least 12 months in the last ten years. Class XB applicants who are subject to persecution or substantial discrimination in their home country should not be requested to obtain a penal clearance from their home country.

Officers should exercise discretion and flexibility in requesting penal checks for frail, elderly or otherwise physically incapacitated. Such applicants may be exempted from penal checking where appropriate.

Officers are to refer to PAM3: Act – Character and security - Penal checking handbook for policy advice on penal checking and individual country information. Advice for applicants on how to obtain penal clearances is in the Character Requirements - Penal Clearance Certificates document, which is available on the department's website at http://www.border.gov.au/Trav/Visa/Char. Generally, the applicant is responsible for obtaining and submitting a penal clearance from the authorities of the country concerned, and in the case of SHP applicants, paying any costs involved. In a few instances, the post must initiate penal checks with the authorities of the country concerned.

Under policy, penal clearances are taken to be valid for 12 months from the date of issue. If an officer has good reason to believe that a penal clearance completed within the last 12 months should be updated, a new check may be requested. Generally, if an application is not finalised within the 12 month validity period of any penal clearance, the applicant should undergo the check again, unless there is good reason to believe that this is not warranted.

If an applicant obtained a penal clearance more than 12 months ago while living in a particular country and has not lived there since, the clearance would normally be acceptable. A new penal clearance for that country need not be requested unless there is reason to believe it is warranted.

### Waiving penal checks

The decision to waive the requirement to obtain a penal clearance is made by Character Support Section. In all cases, the waiver request must have the support of the responsible post.

Penal checks can be waived if it is impossible to obtain a penal certificate, for example, in situations such as war or civil disturbance or if the authorities of a country do not issue certificates to former residents who have left the country. In some situations, the requirement for penal checking may also be waived for split family applicants in relation to their home country. Split family applicants are generally required to undergo penal checking in their home country, given that they are not relying on claims of persecution or substantial discrimination. However, officers should be flexible on this point. A split family applicant may have legitimate fears of undergoing penal checking in the home country, depending on their circumstances. If a split family applicant claims to be unable to undergo penal checking in the home country because of a fear of persecution or substantial discrimination, officers should consider requesting a waiver.

For all waiver requests, officers should:

- establish why the applicant is unable to obtain a penal clearance, including, if applicable, what steps they have taken to try to obtain one. Officers may request a written statement from the applicant or the applicant may provide this information orally (in which case a comprehensive file note or case note should be made)
- if appropriate, provide evidence that the applicant has attempted to obtain a clearance

- consult the post responsible for the country for which the waiver is sought, and ascertain whether the post supports the request for a penal checking waiver under the circumstances
- obtain a statutory declaration from the applicant stating whether they have been arrested, charged, convicted or imprisoned in any country
- complete a "Request for waiver of penal checking" pro forma and email it to Character National Office.

The request for waiver of the penal checking requirement will be considered and the processing area advised of the outcome of the request. Most requests for waiver are answered within 48 hours.

### War crimes and crimes against humanity

An applicant who has been involved in war crimes or crimes against humanity may fail the character test as per s501(6)(c)(ii) - refer to s499 direction Visa refusal and cancellation under s501 and revocation of a mandatory cancellation of a visa under s501CA.

If there is reason to believe that the applicant, primary or secondary, may have been involved in war crimes or crimes against humanity, the application is to be scrutinised carefully. Information suggesting involvement in such activities may be disclosed in the application form or come to light during interview. Alternatively, credible information about the applicant's involvement in war crimes or crimes against humanity may have been received from a third party or the applicant may have served in the military forces or held a prominent position in a regime known to have committed atrocities.

If there are concerns that an applicant may have been involved in war crimes or crimes against humanity and the applicant fails to satisfy other criteria for a Class XB visa, the visa should be refused on the other criteria. Posts should consider adding the applicant to MAL and advise/email Humanitarian Programme Management Section via the Humanitarian Helpdesk.

If the applicant otherwise appears eligible to be granted a Class XB visa, for guidance details of the case should be referred/emailed to:

- War Crimes Screening and
- via the Humanitarian Helpdesk, Humanitarian Programme Management Section.

Officers should exercise particular caution when dealing with minors who are suspected of committing war crimes or crimes against humanity, or of being child soldiers. For guidance refer to PAM3: Refugee and Humanitarian - Child soldiers. These cases are highly sensitive and complex and should be brought to the attention of Humanitarian Programme Management Section and War Crimes Screening Unit as soon as possible.

For policy and procedure on screening applicants who may have been involved in war crimes or crimes against humanity, refer to PAM3: Act – Character and security - War crimes - Screening of visa and citizenship applicants.

### Deciding whether character requirements are met

Generally, if no adverse information as to the applicant's character is disclosed in the application form, during the interview, on MAL or as a result of penal checking, the applicant will pass the character test and PIC 4001 will be satisfied.

If there is information to suggest that the applicant fails the character test, the application may be liable for refusal under s501 of the Act. All offshore visa applications that fall within the scope of s501 are assessed by the Visa Applicant Character Consideration Unit (VACCU) in the National Character Consideration Centre (NCCC). For policy and procedure, refer to Bordernet's Character assessments and visa cancellations page or email VACCU.

## Other public interest criteria

### Child custody criteria

### PICs 4015, 4016, 4017 and 4018

**200.228**, **200.322**, **201.228**, **201.322**, **202.228**, **202.322**, **203.228**, **203.322**, **204.228**, **204.322**

Schedule 2 criteria for the Class XB subclasses require that, before a visa can be granted to a minor (child under 18) who is assessed against secondary criteria in a Class XB application, the child custody requirements prescribed in PIC 4017 and 4018 must be satisfied.

For PIC 4017 to be satisfied, officers must be satisfied that one of the following applies:

- the law of the child's home country permits the removal of the child or
- each person who can lawfully determine where the child is to live consents to the grant of the visa or
- the grant of the visa would be consistent with any Australian child order in force in relation to the child.

For PIC 4018 to be satisfied, officers must be satisfied that there is no compelling reason to believe that the grant of the visa would not be in the best interests of the child.

For further details on these requirements and how they should be assessed refer first to PAM3: Sch4/4015-4018 - Custody (parental responsibility) and best interests of minor children.

Officers should note that if a minor child included in a Class XB application does not satisfy the above requirements, the main applicant must be refused a visa along with the child (in other words, child custody is a "one fails, all fail" criterion for Class XB visa subclasses) - refer to The "one fails, all fail" criterion.

Officers should also note that PICs 4017 and 4018 are "time of decision" Schedule 2 secondary criteria for each Class XB subclass. This means that these PICs:

- apply only to children who are included in an application as members of a family unit or as immediate family members, and who have not turned 18 at the time the application is decided
- do **not** apply to minors who apply for a Class XB visa in their own right.

For minors applying in their own right, however, case officers should still consider any possible custody issues when assessing whether permanent settlement in Australia is the appropriate course for the applicant, as required by 200.224(a) and equivalent for other subclasses - refer to:

- Class XB-specific criteria - Permanent settlement appropriate and not contrary to Australia's interests
- PAM3: Refugee and Humanitarian - Unaccompanied Humanitarian Minors (UHM) Programme.

### Other public interest criteria

For assessing all other PICs officers should follow the policy and procedure set out in the following instructions.

| | |
|---|---|
| 4002: | PAM3: Sch4/4002 – The security requirement<br>and<br>PAM3: Act – Character and security – Security Checking Handbook |
| 4003(a): | PAM3: Act – Character and security - Foreign policy travel sanctions and autonomous travel sanctions |
| 4003(b): | PAM3: Act – Character and security - Proliferation of weapons of mass destruction - Risk assessment procedures and<br>PAM3: Act – Character and security - s501 - The character test, visa refusal and visa cancellation |

| | |
|---|---|
| 4003(c): | PAM3: Act – Character and security - Foreign policy travel sanctions and autonomous travel sanctions |
| 4004: | PAM3: Sch4/4004 - Debts to the Commonwealth |
| 4010: | PAM3: Sch4/4010 - The settlement requirement |
| 4019: | PAM3: Sch4/4019 - PIC 4019 - The values statement |

In relation to PIC 4002, also note:

- For those cases that must be referred for checking (refer to PAM3: Act – Character and security - Proliferation of weapons of mass destruction - Risk assessment procedures), checks should be initiated as early as possible for cases that prima facie meet visa requirements, as this process can take considerable time
- All PIC 4002 referrals are to be transmitted via the Security Referral Service (SRS) in accordance with the instructions in PAM3: Act – Character and security - Security Checking Handbook and the SRS User Guide. It is essential that full and accurate details are provided - missing or incorrect information can delay the checking process. For a full list of information required for an SRS referral, refer to PAM3: Act – Character and security - Security Checking Handbook
- If an applicant's circumstances warrant expedited checking ("escalation"), the case should be emailed via the Humanitarian Helpdesk to Humanitarian Programme Management Section for consideration, using the template that can be requested via email.

#### Special return criteria

**200.227**, **200.323(b)**, **201.227**, **201.323(b)**, **202.227**, **202.323(b)**, **203.227**, **203.323(b)**, **204.227**, **204.323(b)**

Any Class XB applicant who has previously been in Australia must satisfy special return criterion 5001 - refer to PAM3: Act – Visa cancellation - Exclusion periods for policy and procedure on assessing this criterion.

## Class XB visa grant and evidencing

#### Granting Class XB visas

**200.411**, **201.411**, **202.411**, **203.411**, **204.411**

The applicant must be outside Australia when a Class XB visa is granted.

Applicants under the Community Proposal Pilot or the Community Support Programme must pay the second instalment of the visa application charge before being granted a Class XB visa - refer to Schedule 1 item 1402(2).

**200.511**, **201.511**, **202.511**, **203.511**, **204.511**

A Class XB visa permits the holder to travel to and enter Australia for 5 years from the date of grant. It permits the holder to remain in Australia indefinitely.

#### Class XB visa conditions

**200.611**, **201.611**, **202.611**, **203.611**, **204.611**

Class XB visa holders must make their first entry to Australia by a specified date. For guidelines on establishing this first entry date, refer to PAM3: GenGuideB - Non-humanitarian migration - Visa application and related procedures - Granting visas.

**200.612**, **201.612**, **202.612**, **203.612**, **204.612**

Condition 8502 ('must not enter Australia before the entry to Australia of a person specified in the visa') may be imposed on a Class XB visa. An objective of this condition is to prevent dependants from migrating without the person from whom they derive their eligibility for their visa. Under policy, it should not be imposed on Class

XB visa holders without special reason and only after consultation with Humanitarian Programme Management Section.

### Travel documents for Class XB visa holders

Note: Relevant to this section are:

- PAM3: Act - Passports, travel documents and visa evidencing - Travel documents - DFTTA - Document For Travel To Australia
- PAM3: Act – Identity, biometrics and immigration status – ImmiCards and the Identity Lock Down policy.

Since May 2015, in place of a document for travel to Australia (DFTTA), the Australian Migration Status (AMS) ImmiCard has been issued to persons who have been granted a Class XB visa. The AMS ImmiCard is a label-free travel document that facilitates one-way, single travel and entry to Australia.

Under policy, each person granted a visa should be provided with their own separate ImmiCard. This is because the ImmiCard serves as the official Commencement of Identity document in Australia for Class XB visa holders. Both the ImmiCard and the DFTTA are accepted as the primary document to access services and to obtain other identity documents.

More information on AMS ImmiCards can be found on the ImmiCard webpages.

## Post-grant issues

### Additional family members after grant

If a child is born to a Class XB visa holder shortly after the grant of that visa and before the visa holder's travel to Australia, the post should ask the family to apply for a visa on behalf of the child. If the parents were granted XB-202 visas, the original proposer should also be asked to submit a form 681 for the child. The child's application should be processed as a priority.

### Class XB visa holders requesting new travel documents

AMS ImmiCards are issued to Class XB visa holders for the purpose of travel to Australia. The documents are valid for single entry to Australia. The documents also serve as key identity documents, particularly for those who do not have any other official identity documents.

Persons who have lost their ImmiCard can Order a replacement ImmiCard online.

Class XB visa holders issued a DFTTA can apply for an ImmiCard if they require a valid credential to access government services. For policy and procedure, refer to:

- PAM3: Act – Identity, biometrics and immigration status – ImmiCards and the Identity Lock Down policy.

Class XB visa holders who do not hold a passport and wish to travel overseas should be advised to apply to DFAT for a Convention travel document (also known as a titre de voyage) or a certificate of identity.

## Contracted services for Class XB

### Overview

A range of services to assist Class XB applicants and visa holders are delivered under contractual arrangements managed by Refugee and Humanitarian Assistance Section. These include travel arrangements for refugee category visa holders, health screening, offshore cultural orientation classes, and interest-free loans to assist SHP visa holders and their proposers with the cost of travel to Australia.

## Travel and medical services

### Assisted passage, medical and related services deed of agreement

The International Organization for Migration (IOM) is contracted by the department to deliver travel, medical and related services globally through the Assisted Passage, Medical and Related Services deed of agreement. The deed establishes a financial reimbursement facility whereby IOM co-ordinates, delivers and, where necessary, purchases medical services for Class XB visa applicants and holders and then seeks reimbursement from the department. Key dimensions of this contract are expanded on below.

### Initial medical screening

As outlined in The Class XB health requirement, all Class XB applicants must be assessed against the health requirement prescribed in PIC 4007:

Examinations for the purpose of the health requirement are provided at no cost to Class XB applicants other than those applying under the Community Proposal Pilot or the Community Support Programme.

In many places, IOM employs physicians and radiologists who are appointed by the Global Health Unit as members of the overseas panel physician network. They carry out medical examinations and x-ray screening of Class XB visa holders in accordance with the health requirement. In some instances, IOM is invoiced by and pays independent panel physicians and radiologists, then seeks reimbursement from the department. A few posts are responsible for processing payments for clients' health screening costs, drawing on funds administered by Refugee and Humanitarian Assistance Section.

### Assisted passage

IOM facilitates all aspects of travel for holders of Refugee visas (XB-200, XB-201, XB-203 and XB-204) - except for Refugee visa holders granted under the Community Proposal Pilot - from their usual place of residence to their place of settlement in Australia. If necessary, IOM provides transit assistance that includes meals and toiletries. Associated costs are invoiced to Refugee and Humanitarian Assistance Section by IOM in line with the contractual reimbursement arrangements.

### Travel arrangements for SHP visa holders

SHP visa holders and their proposers are responsible for their own travel costs. However, IOM may assist with travel arrangements and will seek the best flexible and refundable fare. IOM charges an administrative fee for this service. SHP visa holders whose travel is arranged by IOM may be eligible for assistance with the costs of travel through the No Interest Loan Scheme. Refer to No Interest Travel Loan Scheme.

Depending on local circumstances, the visa holder will receive their ImmiCard from either IOM or the Australian Embassy/High Commission. Often visa holders will not be given their ImmiCard until the day they leave for Australia. This is to reduce the risk of losing the travel documents prior to travel.

It is important that XB-202 visa holders who are making their own travel arrangements receive their ImmiCard prior to travelling. It can take up to 4 weeks for visa holders to be issued their ImmiCard following visa grant. To ensure visa holders have their ImmiCard in time for travel, flights to Australia should be booked at least 4 weeks after the date of visa grant.

### Travel arrangements for CPP or CSP clients

APOs are responsible for arranging and funding airfares to Australia of the humanitarian entrants that they have proposed under the Community Proposal Pilot or the Community Support Programme. However, IOM may assist with travel arrangements and will seek the best flexible and refundable fare. IOM charges an administrative fee for this service.

### Departure health check (DHC)

DHC physical examinations are available to Class XB visa holders within 72 hours before their confirmed departure for Australia. The service is offered in most places from which Class XB visa holders depart for Australia.

DHC aims to:

- ensure Class XB visa holders are healthy enough to undertake the journey to Australia
- vaccinate Class XB visa holders and treat them for parasites before their resettlement
- reduce the number of acute post-arrival health issues, thereby facilitating resettlement of Class XB visa holders and protecting the health of the Australian community
- allow post-arrival follow-up arrangements to be made for any health issues identified.

DHC comprises a physical examination, tests for pregnancy and communicable diseases, administration of prescribed vaccinations (against measles, mumps and rubella) and empirical treatment of parasites and infestations.

Officers should make themselves aware of the DHC model in operation in the countries their post covers.

In most places, IOM's panel physicians provide the DHC service. Elsewhere, independent panel physicians are engaged.

DHC is offered free to all Class XB visa holders, including CPP and CSP clients, and attendance is strongly encouraged in the visa grant letter. Nonetheless, attendance is voluntary and there is no adverse impact on a visa holder's visa status if they choose not to undertake DHC.

Occasionally, travel to Australia may be delayed because a DHC physical examination identifies a medical condition requiring treatment prior to travel. More rarely, a DHC examination may result in a recommendation that a client travel with a medical escort - refer to Operational and medical escorts.

If travel is delayed or an escort recommended, IOM will advise the relevant post, Refugee and Humanitarian Assistance Section, Global Health, and Settlement Services Referral Management Section in the Department of Social Services.. In these instances, posts must determine whether delays will prevent the visa holder from entering Australia before the expiry of their initial entry date and take appropriate action - refer to:

- Post-grant issues and
- PAM3: Sch8 - Visa conditions - Breach of entry-related visa conditions (inc. first entry date).

Posts must ensure that IOM is notified of Class XB visa grants with sufficient time to organise DHC. IOM may seek assistance from posts to arrange medical escorts for visa holders whose departure has been delayed.

For further details of DHC, refer to "Departure Health Check Instructions", which can be obtained from the DHC Coordinator, Immigration Health:

- by email, via Health

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### Operational and medical escorts

If a panel physician, Medical Officer of the Commonwealth (MOC), A-based officer at post or IOM has assessed it as necessary, IOM provides operational and medical escorts to accompany and assist Refugee category visa holders during their travel to Australia. IOM seeks reimbursement from the department for the provision of these services.

If a medical escort has been recommended for a Refugee visa holder, the GHU and Refugee and Humanitarian Assistance Section must be contacted for approval, and Humanitarian Settlement Referrals Section in the Department of Social Services copied into any correspondence.

If IOM or a post believes there is a need for an escort for an SHP visa holder, they must contact the GHU, Humanitarian Programme Management Section and Refugee and Humanitarian Assistance Section for advice.

In all cases, the use of escorts requires prior written approval of the Director, Refugee and Humanitarian Assistance Section (email Humanitarian Program Management and Operations). Where the need for an escort is foreseen and cannot be funded by the applicant or their proposer, post may consider whether it is appropriate to grant the visa in a Refugee subclass so that these costs can be covered by the department. If this is not appropriate, on grant the case should be referred to IOM to make travel and escort arrangements at the clients' expense, with the option of a No Interest Travel Loan Scheme (NILS) loan, and the ImmiCard should be retained until departure to ensure compliance.

The department does not fund escorts for CPP or CSP clients. Those applicants should be counselled and the APO advised at the earliest opportunity that they will be required to fund the escort in the event one is needed. In the case of a medical escort, this will be determined by Immigration Health. While in some cases an escort may not be essential and an accompanying family member will be able to provide the required assistance, in other cases travel may be impossible or life threatening without one. To ensure compliance, where it is considered necessary, post may retain the ImmiCard until satisfactory arrangements have been made.

### Miscellaneous services

IOM can also:

- assist applicants referred by UNHCR to make applications
- provide interpreting services
- assist with negotiating exit requirements for Class XB visa holders
- identify and secure office accommodation for interviews.

Further information about IOM's miscellaneous services can be obtained from Refugee and Humanitarian Assistance Section.

## No Interest Travel Loan Scheme

IOM, in partnership with the department, operates the No Interest Travel Loan Scheme (NILS) to assist SHP clients (XB-202) with expenses associated with travel to Australia. Travel loans are interest free and cover up to 65% of the cost of a visa holder's airfare to Australia.

At appropriate stages in the processing of the application, posts are encouraged to advise SHP visa applicants and their proposers of the option to access NILS.

SHP visa holders or their proposers who arrange travel through IOM may be eligible to access a No Interest Travel Loan. Officers should direct any requests for information about the scheme and the eligibility requirements that must be met to IOM:

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website: http://www.iomaustralia.org/projects_nils.htm

Posts should not advise applicants under the Community Proposal Pilot or the Community Support Programme who are granted an XB-202 visa to access NILS. APOs are responsible for funding the airfares to Australia for the humanitarian entrants that they have proposed. Refer to APO obligations under the Deed.

## Australian Cultural Orientation (AUSCO) program

The AUSCO Programme provides Class XB visa holders with essential information about travelling to and settling in Australia.

The six objectives of AUSCO are:

- to provide accurate information on departure processes

- to present a realistic picture of life in Australia
- to describe the settlement process and provide practical information about post-arrival settlement services and how to access them
- to encourage language training on arrival in Australia
- to provide participants with the basic skills necessary to achieve self-sufficiency and
- equip participants with the necessary tools to deal with initial settlement concerns and the different stages of cultural, social and economic adaptation.

IOM is contracted to deliver AUSCO on behalf of the Commonwealth. AUSCO courses are up to 5 days in duration and all Class XB visa holders aged 5 years and over are eligible to attend. Attendance is voluntary, but strongly recommended.

AUSCO courses are delivered in the period between visa grant and departure for Australia. Timely delivery of client information to IOM is critical for arranging AUSCO invitations, scheduling of classes and maximising participation. To facilitate AUSCO arrangements, posts should refer the contact details of Class XB visa holders within seven days of visa grant.

Posts also play a role in monitoring the quality of the AUSCO program. Officers are encouraged to make site visits to AUSCO courses and to give feedback to the contract managers in Humanitarian Settlement Policy Section in the Department of Social Services s. 47E(d)

## Settlement issues

### Overview

Settlement services are provided to humanitarian program entrants through the Humanitarian Settlement Programme (HSP). These services are delivered by contracted service providers in all states and territories, and allocation of cases to states and territories is coordinated by Humanitarian Settlement Referrals Section, Department of Social Services.

Posts play an essential role in the successful delivery of these settlement services to Class XB visa holders by providing information that allows Humanitarian Settlement Referrals Section to allocate and refer cases effectively.

### The role of posts in providing settlement information

When a Class XB visa is granted, the case details automatically download from IRIS into the Humanitarian Entrants Management System (HEMS). This download takes place every morning around 6:00 am Australian Eastern Standard Time, two days after visa grant.

HEMS is a web based system available to all posts, Humanitarian Settlement Referrals Section in the Department of Social Services, state or territory offices and HSP service providers. Posts with significant humanitarian allocations are expected to use HEMS:

- to refer details of all Class XB visa grants
- to provide information relevant to settlement service providers
- for all case related communication with onshore stakeholders
- to clearly flag Community Proposal Pilot and Community Support Programme cases (which are ineligible for HSP).

HEMS provides a secure mechanism for stakeholders to communicate with each other, and it is important that posts log in to HEMS frequently to take action on new cases and respond quickly to notes.

Posts with small humanitarian visa allocations (that is, less than 50), or no initial allocations, are not expected to use HEMS and should instead email case information to Humanitarian Settlement Referrals Section s. 47E(d) within two days of grant of a Class XB visa. Humanitarian Settlement Referrals Section will behalf of the post, using the information provided.

More detailed information on HEMS and post-grant referral procedures, including access forms, technical support and electronic training materials, can be obtained from Humanitarian Settlement Referrals Section (refer to Contacting Humanitarian Settlement Referrals Section). Phone based HEMS tutorial sessions are also available on request.

## The role of posts and unaccompanied humanitarian minors (UHMs)

Posts should email s. 47E(d) before accepting the referral of an unaccompanied minor. If it is agreed to proceed with the case, before visa grant posts should contact s. 47E(d) and attach copies of all relevant documentation, such as:

- UHM Supporting Information form (see TRIM file ADD2008/1095437)
- UNHCR resettlement registration form (RRF)
- UNHCR Best Interests Determination Report (BID)
- interview report (or similar)
- Form 1258 signed by the minor's primary carer (if there is a carer over 21 years of age, and whether or not this person is the primary applicant)
- copies of any documents supporting PICs 4015, 4016, 4017 and 4018 (such as adoption orders completed in country of origin, court orders, permissions to travel and Form 1229).

UHM Intake and Reporting will complete an 'indicative' IGOC assessment and complete a settlement service referral for either the state or territory child welfare agency or service provider model, based on the particular circumstances of the child. UHM Intake and Reporting will liaise with post, state or territory child welfare agency and service providers during this process to facilitate a smooth transition into the UHM Programme.

In all cases, it is important that posts s. 47E(d) of the minor's understanding of the circumstances in which they became a member of the primary visa applicant's family (for example, whether they know they are informally adopted) to ensure that these matters are handled in a sensitive manner

### The role of posts in providing travel details

To assist HSP service providers, posts must ensure that certain information is provided to Humanitarian Settlement Referrals Section in the Department of Social Services when granting Class XB visas. Accurate and complete information is required to ensure that appropriate settlement arrangements can be made for Class XB visa holders before and after their arrival in Australia.

Most of this information is extracted automatically by HEMS from IRIS, but all posts are required to provide the following additional information to Humanitarian Settlement Referrals Section using either HEMS or email:

- visa entry expiry date
- information about links with proposers, family or friends already in Australia or with their own Class XB applications in process, including addresses, telephone numbers, relationship to the visa holders, and a brief assessment of the closeness of the relationship wherever possible
- health undertaking access numbers
- special medical conditions that may affect settlement decisions or require onshore follow-up, for example, any MOC comments, health waiver information, requirements for medical escorts, wheelchair assistance and/or ground floor accommodation, or other special requirements
- language and ethnic group details
- UHM status (refer to PAM3: Refugee and Humanitarian - Unaccompanied Humanitarian Minors (UHM) Programme)
- further information on the relationship between the main applicant and applicants marked as "other" in IRIS. For visa holders under 18, the whereabouts of the minor's parent should also be included as this will affect the minor's UHM status
- any other information that may assist Humanitarian Settlement Referrals Section to make appropriate settlement decisions or help HSS service providers make settlement arrangements.

Humanitarian Settlement Referrals Section decides visa holders' settlement destination on the basis of this information, in particular giving regard to the whereabouts of any close relatives in Australia. Factors such as

the location of existing communities, access to services and the availability of affordable housing, education and employment opportunities are also considered. Humanitarian Settlement Referrals Section then refers the case in HEMS to the relevant state or territory office, which refers it on to the appropriate HSS service provider.

### The role of posts - in settlement counselling

It is essential that Humanitarian Settlement Referrals Section is given accurate flight details of Refugee category visa holders so that arrangements can be made for them to be met at the airport on arrival in Australia.

Posts should follow five steps to record and refer a Class XB visa holder's flight details.

1. Pass on requests for a preferred arrival window received in HEMS or by email from an HSP service provider to IOM so that flights can be arranged.
2. Enter flight details received from IOM into IRIS (in the settlement information section) so that they are automatically transferred into HEMS at the next download and can be viewed by Humanitarian Settlement Referrals Section, state or territory offices and HSP service providers.
3. Enter travel details received from IOM for SHP visa holders who choose to book their flights through IOM into IRIS (SHP visa holders and their families are responsible for their own travel but may choose to use IOM services - refer to Travel and medical services.
4. Promptly enter any changes to flight details into IRIS.
5. Inform Humanitarian Settlement Referrals Section of any difficulties IOM has in booking travel within the preferred arrival window requested by the HSP service provider and suggest an alternative travel period. Officers should note that they will need to confirm the alternative travel window with the service provider before bookings are made.

### Contacting Humanitarian Settlement Referrals Section

Humanitarian Settlement Referrals Section can be contacted s. 47E(d)

### The role of posts in settlement counselling

Officers should not provide settlement information to Class XB applicants during interview. Cultural orientation information is provided via the AUSCO program for most Refugee and Humanitarian posts. For posts where AUSCO is not available, booklets containing settlement information are available on the department's website at www.border.gov.au.