**Support in applying for a protection visa**

This information is available to download in [other languages](https://www.border.gov.au/Trav/Refu/protection-application-information-and-guides-paig/support-in-applying-for-a-protection-visa#download).

To help you apply for a protection visa, we have developed [Protection Application Information and Guides](https://www.border.gov.au/Trav/Refu/protection-application-information-and-guides-paig) (PAIG). These guides provide clear instructions about the protection visa application and assessment process.

PAIG materials include:

* an overview of the protection visa process
* the importance of establishing identity, nationality and citizenship
* how to prepare a protection visa application, including making your protection claims
* what we expect of applicants
* how to lodge the application and when to pay the visa application charge
* interview requirements
* information about review processes if your visa is refused.

**Why are the PAIG required?**

The PAIG are designed to help you apply for a protection visa.

The Australian Government has decided that, from 31 March 2014, if you came to Australia illegally by boat or by plane, you can no longer access Government-funded migration agents through the Immigration Advice and Application Assistance Scheme (IAAAS).

In addition, the Australian Government has removed access to IAAAS for anyone (illegal and lawful arrivals) seeking merits review of a protection visa refusal decision. This means if we refuse your application for a protection visa and you are eligible to seek review of this decision, you will no longer have an IAAAS agent to help you apply for review.

If you already have existing IAAAS arrangements, you will keep them only until the current stage of your application process is complete. For example, if you have lodged a valid protection visa application with the help of an IAAAS agent, you will keep that agent until a decision has been made on your application. But you will not be able to keep the agent for review if you are refused and want to seek merits review.

The Government has never funded assistance to seek judicial review and it will continue not to fund assistance for judicial review.

All protection visa applicants are still able to engage their own migration agent privately at their own cost (including pro bono) at any time. Further information on migration agents is available from the [Office of the Migration Agents Registration Authority](http://www.mara.gov.au/) (Office of the MARA).

We have developed the PAIG to help people apply for a protection visa. In addition, some protection visa applicants are eligible for migration agent assistance through the Primary Application Information Service (PAIS).

**Who will be affected by the changes to IAAAS?**

The changes will affect everyone seeking protection in Australia, including those who have started to have their claims processed and those who are yet to start a protection visa process.

The following table outlines if IAAAS is available:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| ​ | | **Primary processing** | **Merits review** | **Merits review remittal** | **Judicial review** | **Judicial review remittal** |
| **Lawful arrivals** ​ | | Yes\* | No | No | No | No |
| **Illegal arrivals** | **Pre-13 August 2012 arrival** | No | No | No | No | No |
| ​ | **Post-13 August 2012 arrival** | No | No | No | No | No |

\* *Eligibility criteria must be met.*

If the answer is 'no' in the table, the only exception is if you either had an IAAAS agent allocated to you or you started a new processing stage, before 31 March 2014. In such cases, you can keep your IAAAS agent for that processing stage. But you cannot access your IAAAS agent at the next stage unless you make your own payment arrangements with them. The Government will not pay for any further IAAAS services.

If you are an illegal arrival who lodged an invalid application with the help of an IAAAS agent, we have decided that you will need to lodge a new application when it is your turn to have your claims assessed. The IAAAS agent you had previously will not be funded to help you with this.

**Is there any way I can get Government-funded help?**

There is no requirement to have a migration agent or any other assistance when making a protection visa application. It is up to each individual to decide whether they want to get help. If so, they can privately engage (including pro bono) a registered migration agent. The Government will not cover these costs.

Migration agents in Australia must be registered with the [Office of the MARA](http://www.mara.gov.au/).

The following links will take you to pages on the Office of the MARA's website that might help:

* [Tips on using a migration agent](https://www.mara.gov.au/using-an-agent/using-a-registered-migration-agent/).
* [Advanced Search page](https://www.mara.gov.au/search-the-register-of-migration-agents/) where you can select 'Non-Commercial agents' (this means agents who might not charge a fee).
* [Videos that could help you](https://www.mara.gov.au/news-and-publications/news/videos/).

Lawful arrivals

IAAAS access for primary processing has not changed for people who arrive lawfully in Australia. Under IAAAS, we engage service providers who engage registered migration agents (who might also be lawyers) to help eligible protection visa applicants during primary processing who arrived lawfully and are considered disadvantaged.

A 'disadvantaged person' is one who is in financial hardship and:

* has a non-English speaking background, youth or other cultural issues such as gender barriers
* is illiterate in the main language of their country of origin
* lives in a remote location (outside any Australian capital city, except areas with known registered migration agents)
* has a physical or psychological disability, including from past torture or trauma; or
* has experienced physical or psychological harm resulting from family violence.

More detail on [IAAAS](https://www.border.gov.au/about/corporate/information/fact-sheets/63advice) and a list of [IAAAS providers](https://www.border.gov.au/about/corporate/information/fact-sheets/63advice-providers) are available.

We have provided you with the [PAIG](https://www.border.gov.au/Trav/Refu/protection-application-information-and-guides-paig) which outline how to seek review so you can lodge your own review application. You will be referred to the PAIG if you contact us for assistance.

You can [engage your own registered migration agent](https://www.border.gov.au/Trav/Visa/Usin). We will not pay for them.

Illegal arrivals

Most illegal maritime arrivals (IMA) and unauthorised air arrivals will not have access to Government-funded migration assistance.

We have developed the [PAIG](https://www.border.gov.au/Refugeeandhumanitarian/Pages/paig.aspx) to help people apply for a protection visa. In addition, a small number of protection visa applicants who arrived illegally are eligible for migration agent assistance through PAIS.

We can identify and refer applicants for PAIS assistance at any time between inviting them to apply for a TPV or SHEV and making a primary visa decision. We will tell you if you are eligible for this assistance.

**Why can't I have Government-funded help for merits review?**

Removing access to Government-funded assistance at review is designed to encourage applicants to give full, personal and accurate claims as early as possible in the primary assessment stage. The PAIG will outline how to do this. The PAIG will also provide information about how to access review if you are eligible to apply for, or be referred for, merits review of our decision.

You can find information on review eligibility, how to apply and other necessary information in:

* [PAIG: Refusal of a TPV or SHEV application if you arrived illegally](https://www.border.gov.au/Refugeeandhumanitarian/Pages/refusal-of-a-tpv-or-shev.aspx)
* [PAIG](https://www.border.gov.au/Trav/Refu/protection-application-information-and-guides-paig): Refusal of a permanent Protection visa if you arrived lawfully.

Under the *Immigration (Guardianship of Children) Act 1946*(IGOC Act)*,*the Minister for Immigration and Border Protection is guardian of certain unaccompanied minors. In recognition of the Minister's guardianship responsibilities to those who are his wards, PAIS will be available at review for IGOC minors who are found not to engage Australia's protection obligations during primary processing.

No other protection visa applicant will have Government-funded assistance at review.

**What if I choose not to engage a registered migration agent?**

Many people lodge visa applications without assistance. There is no requirement to use migration agents or IAAAS services. It is up to you to decide what help you need.

A migration agent is someone who can:

* advise you on the visa that might best suit you
* tell you what documents you need to submit with your application
* help you complete the application form and lodge it
* communicate with us on your behalf.

If you choose to use a migration agent, you should use a [registered](https://www.border.gov.au/FAQs/Pages/why-shouldnt-i-use-an-unregistered-migration-agent.aspx)migration agent.

Under the *Migration Act 1958*, a person who is not a registered migration agent can provide immigration assistance only where they are:

* a nominator or sponsor of the applicant
* a spouse, child, parent, brother or sister  of the applicant
* an official giving assistance as part of their job as a parliamentarian
* a member of a diplomatic mission, consular post or international organisation helping to prepare a submission to the Minister and who is giving the help for free
* a person who prepares or helps prepare a request to the Minister to exercise particular powers, or gives advice about such a request, and does not receive payment or any other kind of reward for the service
* a lawyer  who only gives immigration legal assistance, which includes things like helping to prepare for proceedings before a court, but does not include giving advice for the purposes of preparing or lodging the visa application.

These people are known as 'exempt persons'.

It is a serious offence for anyone who is not a registered migration agent or exempt person to give immigration assistance in Australia and they can face up to a $10,200 fine. If they ask for or receive a fee or reward for providing immigration assistance, they may face a penalty of 10 years of imprisonment.

If you know someone who has provided immigration assistance and is not a registered migration agent or exempt person, report them to us on   
1800 009 623.

**Can I use the PAIG at any time?**

Yes, the PAIG will always be available for you to use.

However, if you arrived illegally by boat you may still have a statutory bar in place that prevents you from making a valid visa application. The Minister will personally decide whether to allow you to make a valid protection visa application. You should wait for us to send you a letter to invite you to lodge an application. Please ensure your details have been updated with us if you have moved or changed contact details since your last contact with us.

**The Primary Application Information Service**

PAIS is a Government-funded service to help certain illegal arrivals apply for a protection visa where assistance will result in a significantly faster and more efficient resolution of the person’s status.

PAIS is only available to a small percentage of protection visa applicants and funding for this programme reflects this position. We will generally only offer PAIS to illegal arrivals who we assess to be exceptionally vulnerable.

No-one seeking protection, including those eligible for PAIS, will receive Government-funded assistance at review, except for IGOC minors.

**Who delivers PAIS and what services do they provide?**

We have engaged two PAIS service providers to provide assistance at the primary stage. Unaccompanied minors (UAMs) for whom the Minister is guardian under the IGOC Act will also receive PAIS assistance at review.

The services provided under PAIS are provided by a registered migration agent and include:

* meeting the applicant to:
  + explain the agent/client relationship
  + explain the protection claims process and
  + gather claims and documentation to support an application for a protection visa
* lodging the visa application and supporting documentation
* attending the protection claims interview with the applicant
* conveying and explaining the decision made on the visa application.

**Who can get PAIS assistance?**

PAIS is available to a very small number of protection visa applicants who arrived illegally. We will decide who can get PAIS.

All unaccompanied minors who arrived after 13 August 2012 will get help through PAIS.

Adults will only be eligible for PAIS where:

* they arrived after 13 August 2012
* they have not engaged their own migration agent
* they have not previously submitted a protection visa application and
* it is in the best interests of Government to offer help.

When determining who it is in the best interests of Government to assist, we will take into account all of the available information about a person's circumstances, including whether they are **exceptionally vulnerable** and are unable to engage in the application process.

We will tell you if you are eligible for PAIS.

**How is PAIS eligibility assessed?**

We can identify and refer applicants for PAIS assistance at any time between inviting them to apply for a TPV or SHEV and making a primary visa decision. An assessing officer may consider a person eligible for PAIS based on information held on Departmental systems and/or after observing or being notified of certain vulnerabilities.

**When will I know if I am receiving PAIS?**

If you are eligible for PAIS, we will send you a PAIS consent form with your invitation to apply for a protection visa. If you do not receive a PAIS consent form, it means we have assessed the information we have about you and found that you are not eligible for PAIS.

**I need PAIS assistance. How do I give more information?**

If you have information that might inform your PAIS eligibility assessment, you can give it to us by telling your case manager or Status Resolution Support Service (SRSS) provider. Depending on what stage of the protection visa application process you are at, they will put the information in departmental systems or ask for another PAIS assessment.