



Australian Government

Department of Home Affairs

The Community Support Program

Guidelines for Approved Proposing Organisations

DRAFT

Released by Department of Home Affairs
under the *Freedom of Information Act 1982*

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Foreword

The Community Support Program (CSP) grew out of the Community Proposal Pilot, a program trialled by the Australian Government over three years to test the community's capacity to contribute financially and practically to the costs of humanitarian resettlement.

The CSP extends and strengthens community support for humanitarian resettlement by engaging with employers, businesses and community organisations to find jobs and employment pathways for applicants to apply in Australia, with a view to their becoming financially self-sufficient within a year thereby minimising costs to Government. The focus on employment is expected to enhance social cohesion and settlement outcomes generally.

Approved proposing organisations (APOs) play the central, coordinating role in the CSP. Under a Deed of Agreement with the Department of Home Affairs, APOs are responsible for finding suitable applicants and job opportunities, managing the visa application process and overseeing the settlement of successful applicants in Australia.

These guidelines are intended to help APOs meet their obligations under Clause 5 of the Deed of Agreement. They provide guidance on the selection of applicants in line with the Australian Government's priorities for resettlement under the Humanitarian Program in general and the CSP in particular, and information to give them the necessary understanding of the visa process to brief clients and answer common questions about visa requirements, processing stages and processing time.

This is the first set of APO guidelines which, with your feedback, we hope will become a useful primary resource for APOs. In the first years of the CSP's operation, it will be updated often as we expand its coverage and work through the technical and practical issues the new program presents. Please send your feedback to our mailbox s. 22(1)(a)(i)

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Department of Home Affairs
March 2018

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Overview

Roles and responsibilities

The Department of Home Affairs and the Humanitarian Program

The Department of Home Affairs is the Australian Government agency with responsibility for national security and in particular for managing the entry and stay of non-citizens. This is done primarily by granting visas according to requirements prescribed in legislation and policies set by the Minister for Immigration and Border Protection and other senior ministers of the government.

The annual migration and humanitarian programs are set annually by Government and are intended to fulfil certain social, economic, humanitarian and political goals. The migration program targets family members of Australian permanent residents and citizens, as well as people with skills that will benefit Australia. The humanitarian program contributes to the international protection system by:

- offering resettlement in Australia to refugees and other people with a family link to Australia who face human rights abuses in their home country and do not have an alternative to resettlement (the offshore component)
- providing protection to asylum seekers in Australia who engage Australia's obligations under the Convention relating to the Status of Refugees and its protocol (the onshore component).

Australia is one of a small number of countries which operate a planned, annual humanitarian resettlement program. The number of places and the characteristics of the people selected to fill our program are decided each year by the Minister for Immigration and Border Protection, the Minister for Foreign Affairs and other senior ministers of the government. Their decisions are informed by the recommendations of the United Nations High Commissioner for Refugees on global resettlement needs and the views of State and Territory governments, non-government organisations and members of the public. Legal, budgetary, diplomatic, logistical, political and social considerations are also important factors.

The government's decisions on the size and composition of the humanitarian program direct the priority cohorts for resettlement through the finite program. From its headquarters in Canberra, the department monitors and guides the activity of visa processing offices in Sydney (at the Special Humanitarian Processing Centre) and overseas (at Australian missions in countries with large refugee populations) to ensure the program, the CSP included, is delivered as planned. The department is responsible for selecting APOs and for monitoring their performance, as well as monitoring and evaluating the CSP itself through a Deed of Agreement with each APO and the department.

The department works closely with the United Nations High Commissioner for Refugees and the International Organization for Migration to resettle people through the Refugee category. All people wishing to be considered for humanitarian resettlement to Australia must make an application for a Class XB (Refugee and Humanitarian) visa. Class XB has two categories: the Refugee category and the Special Humanitarian Program. The Special Humanitarian Program (SHP) is for people who are outside their home country, have close family in Australia and face human rights violations in their home country and, unless they apply under the 'split family' provisions, are outside that country. Applicants who satisfy the requirements are granted a subclass 202 (Global Special Humanitarian) visa. This allows them to enter and stay permanently in Australia. People who apply for a Class XB visa under the CSP are granted a subclass 202 visa.

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The legal requirements for making a visa application and for granting a visa are set down in the *Migration Regulations 1994*.

For further information about the visa application process, see [Visa application process](#).

Approved proposing organisations

APOs are individuals, community groups, companies and other entities approved by the department to be APOs through a Deed of Agreement with the department.

APOs play the central, coordinating role in the CSP. They are responsible for ensuring all parties have the information they need to make decisions and take action at the appropriate time. They are responsible for finding employment opportunities and settlement service providers, and for monitoring and reporting on employment and settlement. They are also responsible for managing the relationships between parties.

APOs are the only entities that may propose applicants for entry to Australia under the CSP. They are responsible for screening prospective applicants and for proposing those (and only those) who fall within government priorities and employment parameters, and have Australian supporters who will cover all the costs of the CSP process.

The Deed of Agreement details the role of APOs in more detail. In particular, Clause 3 sets out the eligibility requirements and Clause 5 the obligations of APOs.

Applicants and entrants

An applicant in these guidelines is a person who has made an application for a Class XB Refugee and Humanitarian visa and is proposed for entry to Australia by an approved proposing organisation. After grant of a subclass 202 Global Special Humanitarian visa and on arrival in Australia, an applicant becomes an humanitarian entrant.

Australian Supporters

Australian Supporters (ASs) are individuals, relatives of the applicant, community organisations, registered charities or businesses who enter into arrangements with APOs to support CSP clients. ASs may offer their support in various ways, for example by:

- introducing potential applicants to APOs
- setting up an employment pathway with stepping stones leading to a job, such as a course of study and a traineeship, apprenticeship or supervised on-the-job experience
- paying or contributing to the payment of costs such as visa application charges, the cost of medical examinations and any diagnostic tests or treatment needed to meet the health requirement, and airfare
- donating household goods, accommodation and in-kind support.

ASs may seek contributions from other members of the community and organisations to help them support clients.

Employers

The Deed of Agreement requires APOs to work with reputable employers, businesses and community organisations to find suitable and appropriate employment opportunities or pathways that are relevant to the applicant's skills and experience and capable of leading to their financial independence within 12 months of arrival.

Individuals, families, community organisations, registered charities and businesses may enter into arrangements with APOs to employ entrants.

The Department of Social Services and the Humanitarian Settlement Program

The Department of Social Services (DSS) is an Australian Government agency with responsibility for many areas of social policy, including the settlement of migrants. DSS aims to respond to their specific needs and encourage their independence, as well as their participation in Australian society.

The Humanitarian Settlement Program (HSP) is the framework for the delivery of settlement services that give humanitarian entrants the knowledge and skills they need for life in Australia. The HSP's focus is on key drivers of social and economic integration: education, employment and English. Data collection and reporting by service providers help ensure positive outcomes and service delivery to an appropriate standard.

For further information on the HSP, see www.dss.gov.au/settlement-and-multicultural-affairs/programs-policy/settlement-services/humanitarian-settlement-program.

Authorised recipient

A person may appoint another person (their authorised recipient) to receive on their behalf documents sent to them by the department in relation to a specific matter, such as a visa application. A person may appoint an authorised recipient by giving the department a completed form 956A or a written notice with the relevant information. A person may have only one authorised recipient at a time. For further information on authorised recipients, see www.homeaffairs.gov.au/Lega/Lega/Form/Immi-FAQs/who-is-an-authorised-recipient.

Migration Agents

The Department of Home Affairs does not provide immigration advice on individual cases.

The department's website at www.homeaffairs.gov.au/Trav has general information about visas and immigration, while migration legislation can be viewed at www.legislation.gov.au. Migration and citizenship legislation and policy are also available online through the department's subscription service LEGEND.com.

APOs may engage a registered migration agent if they need advice on:

- the merit of a prospective applicant's case for a visa, taking into account individual circumstances, the criteria for grant of a visa and the government's settlement priorities
- making a valid application
- the visa option that best suits the prospective applicant's circumstances and requirements.

In Australia a person may only lawfully give immigration assistance if he or she is a registered migration agent or is exempt from being registered. Only registered migration agents may receive a fee or reward for providing immigration assistance.

APO personnel may give immigration assistance as registered migration agents in respect of prospective or actual CSP applicants provided there is no conflict of interests. Seek advice first from the Migration Agents Registration Authority (MARA) at www.mara.gov.au/contact-us/.

The Department of Human Services and assurances of support

The Department of Human Services (DHS), through Centrelink, delivers social security payments and services and administers assurances of support, which are a requirement for the grant of a visa under the CSP. An assurance of support is an undertaking to assume financial responsibility for the assuree's (entrant's) support, including the repayment of any social security payments, during the 12-month period of the assurance. The purpose of assurances of support is to limit the Commonwealth's outlays in social security payments to people who, when considered as a group, have a high likelihood of needing income support and might otherwise not be granted a permanent visa.

To be eligible to be an assurer, a person must be an Australian permanent resident or citizen residing in Australia, not owe a debt to the Australian Government, and pass an income test. An organisation must also meet certain requirements to be an assurer. The assurer may also be required to deposit a sum of money in a trust account that is sufficient to repay any social security payments the entrant might receive during the 12 months. This is known as a bank guarantee (or bond). Bank guarantees are not required for the CSP at present.

If the entrant is paid social security payments during the period of the assurance, DHS will recover the amount paid from the assurer.

The uptake of social security payments by entrants will be monitored and the government may consider introducing a requirement for a bank guarantee in the future.

For further information on assurances of support, see www.humanservices.gov.au/assurance and guides.dss.gov.au/guide-social-security-law/9/4.

APO obligations

The APO's obligations are set out in clause 5 of the Deed of Agreement. In brief, they cover:

- the selection of potential applicants for proposal
- disclosure and publication of the costs associated with the CSP and the services offered by the APO
- finding an assurer
- engaging an HSP provider
- lodgement of visa applications and application support during processing
- overseeing the giving of the assurance of support
- arranging settlement services
- arranging and overseeing employment and related activities

- managing the relationships among the parties
- continuing support to the entrant when the relationship between the APO and entrant breaks down and
- dealing with issues concerning commencement, continuity and termination of entrants' employment
- notifying the department of certain events.

Applicant eligibility

Refer Subcl 5.1 *applicants that APOs must not propose and those to be given priority*

Refer Subcl 5.2 *characteristics of primary applicants that APOs must propose*

Who to accept for proposal

Potential applicants may be referred to the APO by Australian supporters: individuals or families, community organisations, registered charities or businesses in Australia with an interest in supporting refugees. Alternatively, the APO may assist Australian supporters to identify potential applicants who do not have links to Australia.

Before accepting potential applicants for proposal, the APO should be satisfied that:

- they meet the **broad requirements** for grant of a visa under the CSP
- they fall within the government's **global, regional and settlement priorities** and
- financial and settlement **support** is available to them.

Broad requirements

Potential applicants should be capable of meeting the requirements for making a valid application for a Class XB (Refugee and Humanitarian) visa and of satisfying the criteria for grant of a subclass 202 (Global Special Humanitarian) visa¹.

Potential applicants should not be prohibited by subclause 5.1 of the Deed of Agreement. Specifically, they must not be proposed on behalf of an illegal maritime arrival or a temporary visa holder (who are prevented from proposing by law), persons who fall outside the government's priorities (see below), and others as advised by the department in writing.

Potential primary applicants² must have the employability characteristics specified in subclause 5.2, namely:

- be aged **18 to 50** years old
- have **functional English** and

¹ See Item 1402 of Schedule 1 and Part 202 of Schedule 2 of the *Migration Regulations 1994* for application validity requirements and visa grant criteria respectively.

² The primary applicant is the applicant who is seeking to satisfy the primary criteria for the grant of a visa. Other applicants who are members of the family unit of the primary applicant need satisfy only the secondary criteria.

- have an offer of employment, a pathway to **employment** or personal attributes which would enable them to become **financially self-sufficient** within 12 months of arrival (see).

'Functional English' is comprehension and expression of spoken and written English sufficient for independent daily living and employment, including workplace safety.

Global, regional and settlement priorities

Sub-subclause 5.1.3 prohibits the proposal of applications which are inconsistent with the global, regional and settlement priorities of the government as advised by the department.

Priority in the CSP and across the offshore humanitarian program is given to applicants who fall within the government's global, regional and settlement priorities. The following are the **global and regional priority caseloads** set by the government for the offshore humanitarian program in 2017-18:

Priority caseloads for the offshore Humanitarian Program in 2017-18

s. 33(a)(ii), s. 47E(d)

In the CSP and the Special Humanitarian Program, priority is also given to applicants who are willing to settle (that is, live and work) in **regional or rural Australia**. 'Regional or rural Australia', for this purpose, means any part of Australia outside Sydney, Melbourne, Brisbane, Perth, Adelaide and Canberra. Note that this definition is different from the one that applies to the skilled regional migration and Safe Haven Enterprise visas.

As the number of places that the government makes available for visas each year³ is much lower than the number of applications received, non-priority applications are likely to be unsuccessful and the first stage visa application fees will be forfeited.

Financial and settlement support

The APO must be satisfied of the availability of an assurer, settlement support and adequate funds to cover the costs of migration, settlement and upkeep of potential applicants for the first 12 months, including any income benefits accessed. To this end, potential applicants and Australian supporters must be informed of

³ See [The Department of Home Affairs and the Humanitarian Program](#) for more about the size and composition of the annual offshore Humanitarian Program.

all potential costs, the services that will be provided, the responsibilities of each party, and processing timeframes, as required by subclause 5.3.

Subclause 5.6 requires that, when the application is lodged, it is accompanied by:

- a letter from an HSP provider engaged to
 - prepare a comprehensive client-focussed settlement case-management plan for achieving the foundation outcomes set by the HSP
 - deliver orientation services, and
 - conduct a final interview once the entrant has achieved the settlement outcomes set out in their case-management plan
- an integration plan for achieving the outcomes set out in the case management plan, and
- any other documentation requested by the department.

Applications that should not be proposed

In addition to non-priority and other cases prohibited by subclause 5.1 of the Deed of Agreement, APOs are also responsible for ensuring that the applications they propose will be able to be effectively and efficiently processed by the department and that if the visa is granted the applicants will ultimately be able to travel to Australia. The following is a guide of the types of applications/applicants that would potentially pose processing or travel difficulties.

- ✖ Cases including a child who is the subject of a **custody** dispute, who is customarily adopted, who by law of the child's home country cannot be removed or in respect of whom the consent of a parent or other person who can lawfully determine where the child lives cannot be obtained
- ✖ s. 47E(d), s. 33(a)(iii)
- ✖ Cases including a person who is under **investigation** by the department in relation to an immigration matter
- ✖ Cases including a person who is likely to be **prevented from travelling** to Australia due to inability to obtain an exit permit⁴, ill health, family responsibilities, military service, imprisonment or any other reason
- ✖ Cases including a person with **active treatment-resistant tuberculosis** or **in need of an organ transplant** or with any **condition whose treatment would prejudice Australians' access to health care** in the opinion of a medical officer of the Commonwealth
- ✖ Cases including a person who is or has been involved in **fraud, criminal activity, war crimes or crimes against humanity**
- ✖ Cases including a person who is awaiting a decision on another Australian visa application and whose **health, character or national security assessment is protracted**
- ✖ Cases including a person who was refused an Australian visa or whose Australian visa was cancelled because they **failed** the **character** or **national security** requirement
- ✖ Cases including persons who have a **right of residence**, whether permanent or temporary, in a country other than their home country

⁴ See govdex for information on exit permit issues in source countries.

- × Cases including a person who arrived in Australia as an **irregular maritime arrival on or after 13 August 2012**
- × The intending **assurer is ineligible** (for example, they are a low-income earner) and there is no alternative assurer

Applications that feature any of the above characteristics are likely to be refused by the department and the visa application charge will be forfeited.

Pricing structure and services

Refer Subcl 5.3 *APO must ensure parties understand financial costs, supporting roles and visa processing timeframes*

Subclause 5.3 of the Deed of Agreement is intended to ensure all parties are fully informed of the arrangements they are entering into in respect to financial costs, supporting roles and visa processing timeframes.

The APO must disclose all costs that may be incurred, including:

- APO fees
- [visa application charges](#)
- interpreter's fee if required for interview (see [Interview](#))
- fees for medical examinations (including specialist consultation, diagnostic testing and treatment if necessary) to meet the health requirement
- DNA testing if required
- charge for exit permits and any fines for overstaying or illegal stay that must be paid to obtain exit permits to travel to Australia if required
- costs of any identity, travel or employment-related documentation if required
- costs of travel to settlement destination
- medical or other escort's fee and expenses if required
- accommodation for up to 12 months from arrival
- living expenses for up to 12 months from arrival
- settlement services for up to 12 months from arrival
- Income support payments that have been drawn down from any government funded working age payments. These payments must be repaid by the assurer under the Assurance of Support provisions.

The APO must ensure that all parties understand their own, the APO's and each other's roles and responsibilities in relation to the CSP process and timeframes (see [Visa application lodgement and process support](#) and, in particular, [A note about processing time](#)).

Refer Subcl 5.4 *APO must provide department with details of pricing structure and types of service with weblink*

Subclause 5.4 requires the APO to provide details of proposed pricing structure and services being offered to the prospective Australian supporters and applicants. The maximum fee and types of services being offered by you to prospective Australian supporters and applicants must be published on the each APO website. The department's website will link to each APO web page.

Each APO must ensure the pricing offered to prospective applicants and employers is fair and reasonable and is consistent with the outcomes of Australia's humanitarian program. APOs must notify the department of any changes to pricing or fee structure.

Assurer availability and HSP provider engagement

Refer Subcl 5.5 *Before lodging application, APO must ensure an assurer is available, settlement support can be provided at the settlement location, and an HSP provider has been engaged to complete a settlement case management plan, deliver orientation services and report settlement outcomes*

The Department of Human Services has developed a CSP AoS factsheet to provide you with clear guidance on how to make an assessment of potential assurers capacity to fulfil this role. This should be closely followed to ensure the assurer is fully aware of their obligation, including potential financial loss, should the applicant draw down on government funded income support.

Visa application lodgement and processing support

Refer Subcl 5.6 *When lodging application, APO must:*

- *lodge forms 842 and 1417 with all supporting documentation*
- *ensure the first instalment of the VAC is paid at lodgement and the second instalment, and any other visa process costs, are paid in a timely manner*
- *obtain advice from a migration agent as required*
- *arrange and fund medical assessments and any other visa process requirements*
- *demonstrate capacity to provide for and manage applicant's support needs in Australia*

The following is a step-by-step guide to the application process to assist APOs in managing the application process and the expectations of clients and other stakeholders, particularly as regards processing time.

A note about processing time

There is no standard time for processing an application, nor for each step of the process. Most successful applications take several months to process. It is not possible to predict how long a particular application will take. Processing time depends on factors that vary from applicant to applicant, as well as on processing offices' workloads and conditions in the country applicants live in. Client enquiries about the progress of applications should be dealt with by providing general information about the visa process, rather than by referring them to processing offices. The processing office will be in touch if or when further information or action is required and to inform the applicant of the decision. Prompt responses to requests for information and notification of changed contact details or circumstances⁵ will help keep processing time to a minimum.

⁵ See also www.homeaffairs.gov.au/visas/supporting/Pages/835/report-changes-in-circumstances.aspx

Legislative framework for visas

The object of the Migration Act 1958 is to regulate in the national interest the entry to and presence in Australia of persons who are not Australian citizens.

Section 29 gives the minister the legal power to grant a non-citizen permission, known as a visa, to enter or remain in Australia.

Section 31 provides for prescribed classes of visas and prescribed criteria for the grant of those visas. These are set out respectively in Schedule 1 and in Schedule 2 of the Migration Regulations 1994. Some of the criteria are specific to particular visa classes and others, for example those relating to the public interest, apply to a range of visa classes.

Section 45 requires a non-citizen who wants a visa to apply for a visa of a particular class.

Section 46, along with regulation 2.07, and Schedule 1 to the Regulations, set out the requirements for a valid visa application.

Section 47 allows the minister to consider a visa application only if it is valid.

Section 65 provides that the minister must grant the visa if the criteria are satisfied or refuse it if not.

Lodgement and validity

Under the *Migration Act 1958*, a visa application can only be considered if it is valid. To be valid, an application must be made in accordance with the criteria in Item 1402, Schedule 1 of the *Migration Regulations 1994*, which specify where and how an application for a Refugee and Humanitarian (Class XB) visa is to be made and any charges to be paid.

In broad terms⁶, for a CSP application to be valid, the applicant must:

1. be outside Australia
2. not be an illegal maritime arrival
3. complete [form 842 Application for an Offshore Humanitarian visa](#) and [form 1417 Community Support Program Proposal by Approved Proposing Organisation](#) (to which the following supporting documentation specified in sub-subclause 5.6.1 of the Deed of Agreement should be attached
 - a letter from an HSP provider engaged to
 - prepare a comprehensive client-focussed settlement case-management plan for achieving the foundation outcomes set by the HSP
 - deliver orientation services, and
 - conduct a final interview once the entrant has achieved the settlement outcomes set out in their case-management plan
 - that states the costs of those services
 - an integration plan for achieving the outcomes set out in the case management plan, and

⁶ This is a summary of the legal requirements for a valid application. It is recommended that readers also consult the legislation, for example at www.legislation.gov.au.

- any other documentation requested by the department)
4. pay the first instalment of the visa application charge (VAC)⁷ and lodge completed forms 842 and 1417 (with supporting documentation) at one of the following addresses:

By mail

Special Humanitarian Processing Centre
Department of Home Affairs
GPO Box 9984
SYDNEY NSW 2001

By courier

Special Humanitarian Processing Centre
Department of Home Affairs
Level 32,
6 Lee Street
SYDNEY NSW 2001.

Payment of the VAC is through [ImmiAccount](#). The application should be lodged within 30 days of payment and with evidence of payment.

On receipt of the application, the Special Humanitarian Processing Centre (SHPC) registers it (i.e. makes an electronic record of it), checks its validity and notifies the applicant or authorised recipient in writing that it has been received.

The letter acknowledging receipt of the application will contain the file number, which consists of four digits representing the year of registration followed by six more digits. The file number should be quoted in all communication with the department in relation to the application.

If the application is invalid, the SHPC will return it to the applicant or authorised recipient for rectification and relodgement. Invalid applications are not given a file number.

Visa application charges

A visa application charge (VAC) is payable at the time the application is made and before visas are granted. At the time of writing, the first-stage VAC is set at \$2,680 per application and the second-stage VAC at \$16,444 for the primary applicant and \$2,680 for each additional family member. For current information about VAC rates and other payment information, see www.homeaffairs.gov.au/trav/visa/fees/how-to-pay-for-an-application. Note that a surcharge will be payable.

Initial assessment

An initial assessment of the application is undertaken by the SHPC to determine how it will be processed. Applications that prima facie don't satisfy the criteria or are low priority will generally be processed at the SHPC. Other applications will be transferred (without notification) to the Australian overseas mission that processes offshore humanitarian visa applications for the country where the applicants are living.

A note about priority

The number of visa places the government makes available each year is always much less than the number of applications the department receives that prima facie satisfy the criteria for the grant of a visa. Consequently only a small proportion of applications will be successful; the majority must be refused, and some may be held over to another program year. To help the department determine which applications are granted visas, the government selects certain characteristics for prioritising them, such as a formal employment offer, or the intention to live in regional or rural Australia. A high-priority application is likely to be successful and a low-

⁷ See www.homeaffairs.gov.au/trav/visa/fees/how-to-pay-for-an-application.

priority application unsuccessful at any time, but because the demand for visas and the availability of places are continually changing it is difficult to say how other applications will fare at different times.

Interview

All applicants who prima facie satisfy the criteria for the grant of a visa and have sufficient priority (see [A note about priority](#) above) will be invited to attend an interview.

The purpose of the interview is to establish the applicant's identity and family composition, test their claims that they are subject to substantial discrimination in their home country, ascertain whether there are compelling reasons for giving special consideration to granting them a visa, and explore issues related to public interest criteria (such as child custody, criminal convictions), employability, and settlement needs and support.

In many cases, locally engaged departmental staff act as interpreters for interviews. Where an interpreter has to be engaged especially for the interview, the APO will be asked to arrange and pay for one. A TIS telephone interpreter may be used in these circumstances. An informal interpreter such a friend, relative or applicant is not acceptable.

Applicants may be interviewed separately if the need arises, for example, to discuss sensitive matters such as sexual assault, paternity or domestic violence, or to explore integrity concerns.

Public interest checks

After the interview, applicants who appear to satisfy the criteria that they are subject to substantial discrimination in their home country and that compelling reasons exist for giving special consideration to granting them a visa will be invited to undergo checks to help determine whether they satisfy public interest criteria (PICs). For further information, see www.homeaffairs.gov.au/trav/visa/heal and www.homeaffairs.gov.au/trav/visa/char.

Assurance of support

The processing office will request an assurance of support once public interest criteria are satisfied.

Subclause 5.7 of the Deed of Agreement requires the APO to ensure:

- both assurer and applicant understand their responsibilities, obligations and liabilities with respect to the assurance and
- the required documentation for the assurance of support is submitted to the Department of Human Services (DHS) when requested by the processing office. For details, see <https://www.homeaffairs.gov.au/Migrationagents/Pages/assurance-of-support.aspx>.
- DHS will notify the Department when an AoS application is finalised. It is open for the APO to also notify the processing office when the AoS is finalised, so that visa processing can continue.

For more information about assurances of support, see [The Department of Human Services and assurances of support](#), www.humanservices.gov.au/assurance and guides.dss.gov.au/guide-social-security-law/9/4.

Visa application charge

When all other criteria have been satisfied, the processing office will request payment of the second instalment of the visa application charge. See [Visa application charges](#) above for more information. The office that receives the payment will notify the processing office that it has been received. If the correct amount has been received, the application will now be ready for visa grant.

Enquiries

Client enquiries about the progress of applications should be dealt with by providing general information about the visa process, rather than by referring them to processing offices (see [A note about processing time](#)). Progress enquiries, when necessary, should be directed to the processing office. For contact details of posts, see www.homeaffairs.gov.au/about/contact/offices-locations. If it is necessary to contact the department shortly after the lodgement of an application, email the Special Humanitarian Processing Centre at [s.22\(1\)\(a\)\(ii\)@homeaffairs.gov.au](mailto:s.22(1)(a)(ii)@homeaffairs.gov.au). Other enquiries about the CSP should be directed to

Assurance of support

Refer Subcl 5.7 APO responsible for ensuring documentation for the assurance of support is lodged when requested and assurer and applicant are aware of their responsibilities and obligations

See [Assurance of support](#) above.

Relationship management

Refer Subcl 5.8 APO responsible for managing relationships among parties and ensuring each understands their role

Due to the high demand and limited places available under the CSP, it is crucial that APOs effectively manage their client's expectations.

- The CSP does not offer a guaranteed outcome, i.e. paying a VAC does ensure a visa grant
- There is no fast track processing under the CSP
- Processing times vary depending on each applicant's personal circumstances, and can relate to medical, character, security screening. Do not speculate on processing times or give misleading expectations
- The department will only provide updates when the visa case has progressed, or should additional information be required. Responding to requests for case updates slows down Post's ability to process visa applications
- Class XB visa decisions are non-appealable

APOs should clearly communicate the chances of success to all CSP applicants to ensure they are not surprised by an unsuccessful application.

As mentioned above, the APO must ensure that all parties understand their own, the APO's and each other's roles and responsibilities in relation to the CSP process, timeframes and costs. Roles and responsibilities should be clearly articulated to ensure that there are no surprises and all components are fully understood.

Employment

Refer Subcl 5.9 *APO must source suitable, appropriate and relevant employment opportunities from a reputable employer or community organisation*

A vital part of the APO's role is to engage with business and community sectors to source employment opportunities or pathways for entrants. This serves to encourage entrants' financial independence within the first 12 months following arrival and promote sustainable settlement outcomes.

The Deed of Agreement requires APOs to:

- screen and propose suitable humanitarian Applicants with employment prospects

The CSP priorities must be applied when screening prospective CSP applicants. Most relevant to employment prospects, the primary applicant must:

- be aged 18 to 50
 - have functional English
 - have an offer of employment (or a pathway that leads to employment) or personal attributes that would enable them to become financially self-sufficient within 12 months of arrival.
- work with reputable employers or community organisations to identify suitable, appropriate and relevant employment opportunities or employment pathways for prospective applicants to achieve financial independence within the first 12 months following arrival

Applications with a formal offer of employment will likely meet the settlement priorities of the Government. A (non-formal) job offer will also be accepted but must be verified at time of decision to ensure the offer is still valid.

Applications without a formal or non-formal employment offer would need provide a detailed plan which includes the primary applicant's skills and qualifications and the mechanisms proposed to ensure that these skills are transferrable in Australia. The plan should also include the intended approach that would ensure employment is achieved within the first year of arrival in Australia.

Applicants should have appropriate and relevant skills, attributes or work experience for the intended employment opportunity.

It is the APOs responsibility to ensure that the proposed employment is appropriate, relevant and legal, that the applicant is not exploited in the work environment and that the employer is reputable.

Applications where the main applicant intends to undertake a short training course which would lead to employment would align with the settlement priorities of the government. It is intended that the applicant should be in employment within the first 12 months of arrival in Australia.

APOs should maintain an active network of reputable and suitable businesses interested in becoming involved in the CSP, and willing to provide support applicants by providing support or an employment pathway.

The significance of this obligation is reflected in Schedule 1 of the Deed of Agreement, which requires APOs to report quarterly on each entrant's employment outcomes.

In the event the entrant's employment is terminated before the end of the 12-month period, the APO must provide another employment opportunity or pathway. During any period when the entrant is not receiving an income, the Australian supporters are to provide financial assistance to cover the entrant's and dependants' needs.

English Language

There is no legislative or formal English testing requirement for English language proficiency for primary applicants under the CSP, however the intention of the program is for people to be work ready upon arrival in Australia. For this reason, it is expected that the primary applicant has at least functional English. English proficiency will be assessed by departmental officers during discussions at interview to ensure that the primary applicant will be able to navigate in the work place once in Australia.

Rights at work

Entrants have the same workplace rights as other workers in Australia. Among APOs' key obligations is ensuring entrants understand their rights, monitoring their treatment, and safeguarding their rights in the workplace.

Suspected cases of exploitation, including underpayment or poor working conditions, should be referred to the Fair Work Ombudsman. The Fair Work Ombudsman enforces compliance with the Fair Work Act and related legislation via assessment of complaints and suspected breaches of workplace laws.

Anonymous complaints can be registered by completing the form at www.fairwork.gov.au/how-we-will-help/how-we-help-you/anonymous-report.

APOs must inform the department in writing within two working days of any incident of suspected exploitation of an entrant at work. This report must include details of the incident and any steps the APO has taken to mitigate or resolve the incident. The APO must also provide further information relating to the incident when requested by the department.

Further information on visa holder and migrant worker rights can be found at www.fairwork.gov.au/find-help-for/visa-holders-and-migrants.

Fact sheets for migrant workers on work health and safety and workers' compensation can be found at www.safeworkaustralia.gov.au/collection/working-safely-australia-information-sheets. The information is available in 16 languages.

Settlement services

Refer Subcl 5.10 *APO responsible for arranging the purchase of settlement services as per the settlement case management plan for up to 12 months*

So that CSP entrants receive settlement services commensurate with those received by other humanitarian entrants, the Deed of Agreement requires APOs to engage HSP service providers for the following services:

- a comprehensive client-focussed settlement case-management plan

- orientation services
- a final interview to ascertain whether the entrant has achieved the settlement outcomes set out in their case management plan and identify any further services needed.

If ASs cannot provide settlement support, APOs on their behalf coordinate the purchase of the HSP services specified in the settlement case management plan.

To ensure consistent oversight of the wellbeing of CSP entrants, APOs must provide case management services for the first 12 months in Australia. At a minimum, these services must include:

- contact with the ASs throughout the visa application process and settlement period
- ensuring all services are provided to the entrant in their settlement location
- suitable accommodation for the first 12 months in Australia
- ensuring attendance at mandatory HSP modules
- regular case management meetings with entrants to ensure oversight of employment and associated conditions, overall settlement progress, and resolution of unanticipated settlement needs.

Refunds

Visa application charges, payments for health examinations and other fees for services associated with satisfying visa criteria are generally non-refundable, regardless of the outcome of the application. Refund of the first-stage VAC is possible in some circumstances as provided for by legislation. It is mandatory in four circumstances relevant to the CSP, namely:

- the application is invalid
- the application was 'unnecessary' at the time it was made
- the application was made because of a mistake made by the department
- the applicant died before a decision was made on the application

Refund enquiries and requests should be directed the [SHPC](#).