



Australian Government

Department of Immigration
and Border Protection

Request for approval to travel under visa condition 8559 (Must not enter country of reference)

Form

1463

About visa condition 8559

Visa condition 8559 applies to Permanent Protection visas (subclass 866) granted on or after 3 June 2013.

Visa condition 8559 provides the following:

The holder must not enter the country by reference to which:

(a) the holder; or

(b) for a member of the family unit of another holder – the other holder;

was found to be a person to whom Australia has protection obligations unless the Minister has approved the entry in writing.

Information about which family members are considered to be a 'member of your family unit' for travel and migration purposes is available by referring to form 1497i *Including family members in your refugee, humanitarian or protection visa application*.

Form 1497i is available from the Department of Immigration and Border Protection (the department) website

www.border.gov.au/allforms/ or offices of the department.

You should ensure that you read and understand form 1497i before completing this form.

Approval to enter the country/ies by reference to which you, or the primary applicant on your Permanent Protection visa application, were found to engage Australia's protection obligations (country of reference) may be given in circumstances that are compassionate or compelling. Some examples could be:

- to visit a close relative who is seriously ill or dying;
- to attend the funeral of a close relative.

A 'close relative' includes your spouse or de facto partner, your child or step-child, your parents, your brother, sister, step-brother or step-sister.

Requests for reasons other than those listed will be considered on a case by case basis.

Requirements for approval to travel under condition 8559

If you hold a Permanent Protection visa (subclass 866) granted on or after 3 June 2013 you must:

- have a compassionate or compelling reason justifying entry to your country of reference; and
- receive approval in writing from the Minister, or the Minister's delegate, before you enter that country.

How to request approval to travel

Please answer all questions in English.

You should submit this form via email to travel.request@border.gov.au

In this form, please explain in as much detail as possible why your circumstances are compassionate or compelling enough to justify entry to your country of reference.

If you have any documents to evidence your circumstances, please attach them. For example, a medical or death certificate may support a claim that your close relative is ill or has died, or evidence of your relationship with the relative you propose to visit, such as a marriage certificate. Use the checklist on page 6 to ensure you have submitted the required information and evidence.

Documents in a language other than English should be accompanied by an English translation completed by a NAATI accredited translator. For more information, see the NAATI website www.naati.com.au

The department generally requires at least 4 weeks to process a request to enter the country of reference. If you lodge your request outside that timeframe, your request will not necessarily be expedited or given priority unless there is an emergency outside your control.

You must provide the department with genuine information. If you provide false information or fraudulent documents, you may not be given approval to enter your country of reference.

You must provide the department with your Convention Travel Document details before you depart Australia, so that it is linked to your visa to allow you to return to Australia. The travel document should be valid for at least the duration of your proposed travel.

Travel to your country of reference without approval

You must seek approval to enter your country of reference on every occasion you intend to travel there.

If you enter your country of reference without receiving written approval from the department, you will breach visa condition 8559, which may result in the cancellation of your visa and the visas of members of your family unit.

You do not need to seek approval to enter any country apart from your country of reference.

Advance purchase of airline tickets

We strongly suggest that you do not purchase airline tickets or finalise any travel arrangements before the request for approval to travel to your country of reference is decided. The department cannot guarantee that it will process your request before the intended date of travel. Having purchased an airline ticket is not itself evidence of compassionate or compelling circumstances.

Immigration assistance

A person gives immigration assistance to you if he or she uses, or claims to use, his or her knowledge or experience in migration procedure to assist you with your request.

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.

If an unregistered person in Australia, who is not exempt from registration, gives you immigration assistance they are committing a criminal offence and may be prosecuted.

Migration agents in Australia

Migration agents in Australia must be registered with the Office of the Migration Agents Registration Authority (Office of the MARA) unless they are exempt from registration.

Migration agents outside Australia

Migration agents who operate outside Australia do not have to be registered. The department may give some overseas agents an ID number. This number does not mean that they are registered.

Note: Some Australian registered migration agents operate overseas.

Migration agent information

A migration agent is someone who can:

- tell you the documents you need to submit with your request;
- help you fill in the request and submit it; and
- communicate with the department on your behalf.

If you appoint a migration agent, the department will assume that your migration agent will be your authorised recipient, unless you indicate otherwise.

Your migration agent will be the person with whom the department will discuss your request and from whom it will seek further information when required.

You are not required to use a migration agent. However, if you use a migration agent, the department encourages you to use a registered migration agent. Registered agents are bound by the Migration Agents Code of Conduct, which requires them to act professionally in their clients' lawful best interests.

Information on migration agents, including a list of registered migration agents, is available on the Office of the MARA website

www.mara.gov.au

You can also access information about migration agents on the department's website www.border.gov.au

Exempt persons

The following people do not have to be a registered migration agent in order to provide immigration assistance, but they must not charge a fee for their service:

- a close family member (spouse, de facto partner, child, parent, brother or sister);
- a member of parliament or their staff;
- an official whose duties include providing immigration assistance (eg. a Legal Aid provider);
- a member of a diplomatic mission, consular post or international organisation.

Appointing a migration agent/exempt person

To appoint a migration agent/exempt person you should complete *Options for receiving written communications*.

Your migration agent/exempt person should complete form 956 *Advice by a migration agent/exempt person of providing immigration assistance*.

Form 956 is available from the department's website

www.border.gov.au/allforms/

Options for receiving written communications

If you do not appoint a migration agent/exempt person you may still authorise another person, in writing, to receive written communications on your behalf. This person is called the authorised recipient.

Authorised recipient information

All written communication about your request will be sent to your authorised recipient.

The department will communicate with the most recently appointed authorised recipient as you may only appoint one authorised recipient at any time for a particular request.

You will be taken to have received any documents sent to that person as if they had been sent to you.

To appoint an authorised recipient you should complete:

- *Options for receiving written communications*; and
- form 956A *Appointment or withdrawal of an authorised recipient*.

Note: Migration agents/exempt persons do not need to complete form 956A.

Form 956A is available from the department's website

www.border.gov.au/allforms/

Consent to communicate electronically

The department may use a range of means to communicate with you. However, electronic means such as fax or email will only be used if you indicate your agreement to receiving communication in this way.

To process your request the department may need to communicate with you about sensitive information, for example, health, police checks, financial viability and personal relationships. Electronic communications, unless adequately encrypted, are not secure and may be viewed by others or interfered with.

If you agree to the department communicating with you by electronic means, the details you provide will only be used by the department for the purpose for which you have provided them, unless there is a legal obligation or necessity to use them for another purpose, or you have consented to use for another purpose. They will not be added to any mailing list.

The Australian Government accepts no responsibility for the security or integrity of any information sent to the department over the internet or by other electronic means.

If you authorise another person to receive documents on your behalf and they wish to be contacted electronically, their signature is required on form 956 or 956A to indicate their consent to this form of communication.

Note: Electronic communication is the fastest means of communication available and the department prefers to communicate electronically because this results in faster processing.

Important information

Despite any travel approved by the department, please note that it is an offence to travel to a declared area under section 119.2 of the *Criminal Code Act 1995*, unless you do so for one of the specific purposes outlined in that Act. For up-to-date information on declared areas, see the Australian National Security website www.nationalsecurity.gov.au/whataustraliaisdoing/pages/declaredareaoffence.aspx

You may wish to seek independent legal advice before travelling to a country with a declared area.

Your personal information is protected by law, including the *Privacy Act 1988*. Important information about the collection, use and disclosure (to other agencies and third parties, including overseas entities) of your personal information, including sensitive information, is contained in form 1442i *Privacy notice*.

Form 1442i is available from the department's website www.border.gov.au/allforms/ or offices of the department. You should ensure that you read and understand form 1442i before completing this form.

Home page www.border.gov.au

General enquiry line Telephone **131 881** during business hours in Australia to speak to an operator (recorded information available outside these hours). If you are outside Australia, please contact your nearest Australian mission.

Please keep these information pages for your reference



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Please use a pen, and write neatly in English using BLOCK LETTERS.

Tick where applicable

Your details

1 Your full name
Family name
Given names

2 Other names you are, or have been, known by (including name at birth, previous married names, aliases)

3 Date of birth Day / Month / Year

4 Client ID (11 digit number on your visa grant notice)

5 Address for correspondence (in Australia)

Postcode

6 Your telephone numbers
Office hours (Area code)
After hours (Area code)

7 Do you agree to the department communicating with you by fax, email, or other electronic means?
No
Yes Give details
Fax number (Area code)
Email address

8 Details from your travel document
Attach a copy of your travel document (if available).
Travel document number
Country of travel document
Date of expiry Day / Month / Year
Issuing authority/place of issue as shown in your travel document

Family members

9 Give details of ALL members of the family unit who wish to travel with you (as shown in their travel document)
Attach a copy of the travel document (if available) for each member of the family unit.

1. Family name
Given names
Other names family member is, or has been, known by (including name at birth, previous married names, aliases)

Date of birth Day / Month / Year

Travel document number

2. Family name
Given names
Other names family member is, or has been, known by (including name at birth, previous married names, aliases)

Date of birth Day / Month / Year

Travel document number

If insufficient space, attach additional details

Assistance with this form

15 Did you receive assistance in completing this form?

No ► **Go to Question 19**

Yes ► Please give details of the person who assisted you

Title: Mr Mrs Miss Ms Other

Family name

Given names

Address

Postcode

Telephone number or daytime contact

Country code Area code Number

Office hours

Mobile/cell

16 Is the person an agent registered with the Office of the Migration Agents Registration Authority (Office of the MARA)?

No

Yes ► **Go to Question 19**

17 Is the person/agent in Australia?

No ► **Go to Question 19**

Yes

18 Did you pay the person/agent and/or give a gift for this assistance?

No

Yes

Options for receiving written communications

19 All written communications about this application should be sent to:
(Tick one box only)

Myself

OR

Authorised recipient ► You should complete form 956A *Appointment or withdrawal of an authorised recipient*

OR

Migration agent **OR** Exempt person ► Your migration agent/exempt person should complete form 956 *Advice by a migration agent/exempt person of providing immigration assistance*

Checklist

20 Use this checklist before you lodge this form.

Have you answered all questions?	<input type="checkbox"/>
Have you included evidence to support your reasons for entering your country of reference?	<input type="checkbox"/>
Have you provided a copy of the travel document of each person intending to travel (<i>if available</i>)?	<input type="checkbox"/>
Have you provided evidence of the urgency of your intended entry to your country of reference (<i>if any</i>)?	<input type="checkbox"/>
Have you provided evidence of your travel booking/reservation (<i>if available</i>)?	<input type="checkbox"/>
Have you provided evidence of your relationship with the relative(s) you are intending to visit (<i>if available</i>)?	<input type="checkbox"/>

Declaration

21 WARNING: Giving false or misleading information or documents is a serious offence.

I declare that:

- *the information I have supplied in this application is complete, correct and up-to-date in every detail.*
- *I have read the information contained in form 1442i Privacy notice.*
- *I understand the department may collect, use and disclose my personal information (including biometric information and other sensitive information) as outlined in form 1442i Privacy notice.*

Your signature

Date

We strongly advise that you keep a copy of your request and all attachments for your records.