Protection Visas in Australia: A Complete Guide for 2026

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A protection visa allows people who are in Australia and fear persecution or serious harm in their home country to remain in Australia as refugees. The process is complex and the stakes could not be higher — your safety and your future depend on getting it right.

What Is a Protection Visa?

The Protection visa (Subclass 866) is granted to people who are in Australia and who engage Australia's protection obligations. There are two main grounds:

1. Refugee Status (Convention Protection)

You may be a refugee if you have a well-founded fear of persecution in your home country for reasons of:

- **Race**
- **Religion**
- **Nationality**

- **Membership of a particular social group**
- **Political opinion**

2. Complementary Protection

Even if you do not meet the refugee definition, you may be eligible for complementary protection if there are substantial grounds for believing that you would face a real risk of:

- **Arbitrary deprivation of life**
- **The death penalty**
- **Torture**
- **Cruel or inhuman treatment or punishment**
- **Degrading treatment or punishment**

The Application Process

1. **Lodge your application** with the Department of Home Affairs
2. **Attend an interview** with a case officer — this is a critical step
3. **Provide supporting evidence** — country information, personal statements, medical reports
4. **Receive a decision** — if refused, you can appeal to the ART

Preparing Your Claim

The strength of your protection visa application depends on how well you present your claim. Key elements include:

Personal Statement A detailed, chronological account of what happened to you, why you fear returning, and what would happen if you went back. This is the most important document in your application.

Country Information Independent reports from organisations such as the UNHCR, Amnesty International, Human Rights Watch, and the Department of Foreign Affairs and Trade (DFAT) that support your claims about conditions in your home country.

Supporting Evidence Medical reports, psychological assessments, photographs, identity documents, and any other evidence that corroborates your claims.

Common Reasons for Refusal

Reason	What It Means
Credibility concerns	The decision-maker did not believe your account
Internal relocation	The Department believes you could safely relocate within your home country
Changed country conditions	The Department believes conditions have improved since you left
Insufficient evidence	Your claims were not supported by adequate evidence
State protection available	The Department believes your home country can protect you

After a Refusal

If your protection visa is refused, you can apply for review at the ART. The ART will reconsider your case on its merits. If the ART also refuses, you may be able to seek judicial review or request ministerial intervention.

[DEADLINE_WARNING]

How I Can Help

Protection visa cases require careful preparation and a deep understanding of refugee law. I will help you prepare your personal statement, gather supporting evidence, and represent you at any interviews or hearings. Your safety is the priority.

Book a consultation today from $97.

About the Author

Nilesh Nandan is the Head of Practice at MyVisa Lawyers Pty Ltd, a specialist immigration law firm with offices across Australia. With 33 years of legal experience and 27 years specialising in immigration law, Nilesh is admitted as a solicitor in New South Wales and holds a practising certificate issued by the Law Society of New South Wales under the Legal Profession Uniform Law (NSW).

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