

WHAT ARE THE VISA OPTIONS FOR TRAFFICKED PEOPLE?

Some trafficked people enter Australia on a visa that allows them to work, but end up being exploited. Others may be forced to work in breach of their visa conditions or without a visa.

Trafficked people may be scared of talking to authorities because they are afraid of being deported.

Anyone who doesn't have a valid visa needs to get urgent immigration advice.

1. WHAT IS THE PEOPLE TRAFFICKING VISA FRAMEWORK?

The Australian Government has developed a trafficking visa framework, providing special visas for people who have been trafficked.

The People Trafficking Visa Framework enables victims of trafficking to stay in Australia lawfully if they do not already hold a valid visa.

2. HOW DOES IT WORK?

There are three stages in the trafficking visa framework.

1. If the Australian Federal Police (AFP) think that a person may have been trafficked that person may be granted a Bridging visa F (BVF) for up to 45 days. A person who holds a Bridging visa F has no work rights. However, the Red Cross can provide support, including financial help and temporary accommodation. In special circumstances, a second BVF may be granted for up to 45 days.
2. After the BVF expires, the AFP may request that Criminal Justice Stay Certificate and the Department of Immigration and Citizenship may grant a person a Criminal Justice Stay Visa (CJSV). A CJSV is a temporary visa that allows a person to stay in Australia while he or she is assisting police and prosecutors. A holder of a CJSV is allowed to work and can access Medicare. A person may be eligible for Centrelink payments depending on their financial and family situation.

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3. If a person has helped police or prosecutors and would be in danger if they were forced to return home, the Department of Immigration and Citizenship may offer the person the chance to apply for a Witness Protection (Trafficking) (Permanent) Visa. A trafficked person who applies for this visa can include their children and spouse or de facto partner in the application.

People who have been trafficked and who hold a valid visa are advised to get independent migration and legal advice about their situation. If a trafficked person already holds a temporary or permanent visa, they may not need to obtain a visa under the trafficking visa framework.

Any person, no matter what visa they have, who has been identified as a victim of trafficking by the Australian Federal Police will be referred to the government funded support program for Trafficked People.

To find out more about the visa framework visit www.antislavery.org.au or the website of the [Office for Women](#).

3. CAN TRAFFICKED PEOPLE SEEK PROTECTION AS REFUGEES?

People who have been trafficked may be able to apply for other kinds of visas depending on their individual circumstances. For example, a trafficked person may be able to seek protection as a refugee because they have a well-founded fear of persecution in their home country. Such a person may be able to apply for a protection visa to stay in Australia permanently as a refugee.

A refugee is a person who is outside of his/her country of nationality and who has a well-founded fear of persecution as a result of his/her race, religion, nationality, membership of a particular social group or political opinion; and for fear of this persecution, is unable or unwilling to avail himself/herself of the protection of that country or to return to it.

Claims for refugee status are sometimes brought on the basis that trafficked people fear persecution because of their membership of a particular social group.

People who have been trafficked and who believe they would be at risk of serious

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harm if they were returned to their country of origin should talk to a registered migration agent about their eligibility for a protection visa.

In May 2009, the Australian Government committed to provide \$4.8 million over four years to implement a system of complementary protection for people to whom Australia has non-refoulement obligations but who do not meet the criteria for the grant of refugee status under the Refugee Convention.

These new arrangements will provide an additional safeguard for people who have been trafficked to Australia and who will face a violation of their human rights if they are returned home.

4. WHERE CAN TRAFFICKED PEOPLE OBTAIN IMMIGRATION ADVICE?

Suspected trafficking victims should have access to specialist advice about their immigration status from registered migration agents. Anti-Slavery Australia provides specialist immigration advice to people who may have been trafficked. You can contact Anti-Slavery Australia on 02 9514 9660.



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