



## Providing a digital photograph and fingerprints

### A validity requirement for Protection (Class XA) (subclass 866) visa applications

#### Who must provide personal identifiers?

Most protection visa applicants will need to provide a digital photograph of their face and a scan of their fingerprints in order to have a valid application. These photographs and fingerprints are called 'personal identifiers' under the *Migration Act 1958* (the Migration Act).

When you lodge your protection visa application, you and any members of your family included in your application will be required to provide personal identifiers at an office of the Department of Immigration and Citizenship

If you are in immigration detention and you have already provided your personal identifiers during your current period in detention, you do not need to provide them again.

Not all applicants need to provide the same personal identifiers (see Table 1):

18 years old or more	Digital photograph and fingerprints
15 to 17 years old	Digital photograph and fingerprints (with consent*)
5 to 14 years old	Digital photograph only (with consent*)
Less than 5 years old	No personal identifiers required
Incapable person* (any age)	Digital photograph only (with consent*)

\* For further information, see 'Minors and incapable persons' on Page 2.

#### When to provide personal identifiers

It is recommended that you make an appointment at an office of the department to lodge your protection visa application and to provide your personal identifiers at the same time, except Victoria or South Australia. You need to lodge your application before attending your biometrics appointment in Victoria or South Australia. Any members of your family who need to provide their personal identifiers should come with you to the appointment. This will ensure that validity requirements for all members of your family are met at the time of lodgement. It will also ensure that your application is processed as quickly as possible.

If you cannot lodge your application in person, someone else, such as your migration agent, can lodge it on your behalf or you can mail it to an onshore protection processing office (see Table 3). You will then be notified what personal identifiers you need to provide and the timeframe you have to provide them, this will be about 14 days from the time you receive the letter. You will need to attend a departmental office to provide your personal identifiers within the timeframe given to you.

## Making an appointment to attend an office

To make an appointment with a departmental office to provide your personal identifiers, phone **131 881** during Australian business hours.

If you don't speak English, call the Translating and Interpreting Service (TIS) on **131 450** for help in making your appointment.

If you are lodging your application and providing personal identifiers at the same time in an office outside of Victoria or South Australia, please bring your completed Form 866—*Application for a Protection (Class XA) visa*, the visa application charge, any supporting documents and any identification documents you have.

If you have already lodged your application and are providing personal identifiers only, please bring the letter requiring you to provide personal identifiers and any identification documents you have.

If you have made an appointment but can no longer attend, you will need to reschedule it as soon as possible by phoning **131 881**.

## If you do not provide personal identifiers

If you do not satisfy the requirement to provide your personal identifiers, your protection visa application will become invalid in accordance with s46(2A) of the Migration Act. Members of your family who do not satisfy the requirement will also have invalid applications.

Having an invalid application means you are considered not to have applied for a protection visa. The department cannot assess your claims for protection or make a decision on your protection visa application. A finding that your application is invalid is not reviewable.

If you are having difficulty providing your personal identifiers within the timeframe given to you, contact the department to discuss your options.

## How to provide personal identifiers

You need to provide your personal identifiers at an office of the department equipped to collect personal identifiers (see Table 2).

When you attend the office, an authorised officer will explain why your photograph and fingerprints are being collected and how they may be used. If you do not understand English, this information will be given in a language that you understand.

Your photograph will be taken by an officer using a digital camera.

Your fingerprints will be acquired by placing your fingers and thumbs on a digital finger scanner. If you cannot provide all 10 of your fingerprints (for example, due to an injury), you will still need to provide scans of the remaining fingerprints.

## Minors and incapable persons

Minors and incapable persons do not need to provide the same personal identifiers as adults (see Table 1).

A minor is someone less than 18 years old.

An incapable person is someone who cannot understand what personal identifiers are and why they may be asked to provide them (for example, someone with an intellectual disability).

An officer will only collect personal identifiers from a minor or incapable person if their parent or guardian consents in writing. If there is no parent or guardian readily available, an independent person (such as a migration agent, carer, relative, or friend) can give consent. The parent, guardian or independent person must also be present while the personal identifiers are collected.

If no consent is given, the minor or incapable person will not be required to provide personal identifiers. Their application will remain valid.

## Your status while your protection visa application is processed

You may be granted a bridging visa if you lodge a valid protection visa application and meet certain other criteria. A bridging visa will give you lawful status in Australia while your application is being processed.

If your protection visa application becomes invalid because you do not provide personal identifiers, your bridging visa and any associated entitlements will automatically cease 28 days after the department notifies you that your application is invalid. If you do not hold another visa, you will become unlawful in Australia.

For more information about bridging visas, see form [Bridging visas 1024i](#), available at departmental offices or on the department's website at [www.immi.gov.au](http://www.immi.gov.au)

## Where to provide your personal identifiers

You need to attend one of following offices equipped to collect personal identifiers:

<b>Australian Capital Territory</b> ACT and Regions Office 3 Lonsdale Street Braddon ACT 2612	<b>New South Wales</b> Sydney CBD Office Ground Floor 26 Lee Street Sydney NSW 2000	<b>Northern Territory</b> Darwin Office Pella House 40 Cavenagh Street Darwin NT 0800	<b>Queensland</b> Brisbane Office Ground Floor 299 Adelaide Street Brisbane QLD 4000 Cairns Office Level 2 GHD Building 85 Spence Street Cairns QLD 4870
<b>South Australia</b> Adelaide Office Level 3 55 Currie Street Adelaide SA 5000	<b>Tasmania</b> Hobart Office Ground Floor 188 Collins Street Hobart TAS 7000	<b>Victoria</b> Melbourne CBD Office Level 31 Urban Workshop office 50 Lonsdale Street Melbourne VIC 3000	<b>Western Australia</b> Perth Office Level 3 Wellington Central 836 Wellington Street West Perth WA 6005

## Mailing your protection visa application

If you cannot lodge your application in person, you can mail it to an onshore protection processing centre (see Table 3). You will still need to attend a departmental office (see Table 2) to provide your personal identifiers.

If you live in Tasmania or Victoria, send your application to:  Onshore Protection Melbourne GPO Box 241 Melbourne VIC 3001
If you live in the Australian Capital Territory, New South Wales, or Queensland, send your application to:  Onshore Protection Sydney GPO Box 9984 Sydney NSW 2001
If you live in South Australia, Northern Territory or Western Australia, send your application to:  Onshore Protection Western Australia Locked Bag 7 NORTHBRIDGE WA 6865

## Who collects personal identifiers

Only an authorised officer of the department will collect your personal identifiers. In some cases, another officer may be present to assist the authorised officer. If you wish, you may ask that another person (such as an interpreter, migration agent, relative or friend) is with you.

## Special needs and privacy

Officers will try to accommodate any special needs. For example, if you cover your head or neck for religious or cultural reasons, the officer will not ask you to remove your coverings. However, to take a photograph of your face, your entire face from your chin to above your eyebrows must be visible. The officer may therefore ask you to lower a covering or adjust your headwear while the photograph is taken.

You may also ask for an officer of the same gender as you to collect your personal identifiers. The department will try to accommodate your request whenever possible.

You will not be in public view while your personal identifiers are collected.

## Waiver of the personal identifiers provision

The minister or delegate may waive the operation of s46(2A) of the Migration Act in exceptional circumstances. If this provision is waived, then you will not be required to provide personal identifiers.

A waiver will only be granted if there are compelling and compassionate circumstances outside of your control which prevent you from providing your personal identifiers at a departmental office.

If you think you are eligible for a waiver, you need to complete a *Section 46(2A) Waiver Request Form*. This form is available on the department's website [www.immi.gov.au](http://www.immi.gov.au)

You should submit your waiver form at the same time as you lodge your protection visa application. A delegate will then make an assessment of your waiver request and notify you of the outcome.

If you wish to request a waiver after you have already lodged your protection visa application, you must send the waiver form to the department within the timeframe you have been given to provide your personal identifiers. Waiver requests received by the department after this time cannot be considered.

## Quality of your fingerprints and photographs

You must provide 'usable' personal identifiers in order to meet the requirement. Personal identifiers are usable when an authorised officer is satisfied that they meet certain quality standards.

In rare cases, it might be discovered after you have left the office that the fingerprints and/or photograph you provided are not of good quality. If this happens, you may be asked to re-provide your personal identifiers at a time convenient to you. Your protection visa application will not become invalid in this situation.

## Personal identifiers and biometric matching

The department uses biometric facial recognition and fingerprint matching technology to assist in identifying non-citizens.

Your fingerprints and photograph will be checked against other fingerprints and photographs stored by the department. Your fingerprints will also be checked against fingerprints stored on a national database.

In some cases, where the department has concerns about your identity, your fingerprints and/or photograph may be checked on other countries' databases. Australia has agreements with Canada, New Zealand, the United States of America and the United Kingdom to securely share fingerprint records for matching against these countries' immigration databases.

## Biometric match results

If a biometric match of your fingerprints and/or photograph is found, the department may receive information about you from other agencies or countries. This information may include your biographical data, copies of travel and other identity documents, your immigration history and your criminal history.

If the information received is adverse to your application, the decision-maker allocated to your case will inform you and give you an opportunity to comment.

Biometric matches can help the department to check or confirm your identity, and to detect identity fraud. More information about your identity and history will help the department assess your protection visa application.



## Providing a digital photograph and fingerprints — How the department will use your information

### Personal identifiers—collection and purpose

The department is authorised under the Migration Act to collect a range of personal identifiers from visa applicants and other non-citizens. Fingerprints, photographs and signatures are all personal identifiers.

The department already collects photographs and signatures from visa applicants. The department is also starting to collect fingerprints from some visa applicants, including protection visa applicants.

Providing your personal identifiers will help the department to identify you better, and this may help in the assessment of your protection visa application. The collection of personal identifiers may help clients who do not have identity documents in establishing their identity. It may also stop people taking someone else's identity or nationality.

Many countries, including the United States of America and European Union member states collect and use photographs and fingerprints in their immigration processes to confirm the identity of their clients and to reduce identity fraud.

### Storage of personal identifiers

Storage and disposal of your personal identifiers is regulated by the Migration Act and the *Archives Act 1983*. Your photograph will be securely stored on a departmental database. Your fingerprints will be securely stored on a national fingerprint database. Only people authorised under the Migration Act may access your personal identifiers.

### Use and disclosure of personal identifiers

The department can only use and disclose your personal information, including your personal identifiers, if it is allowed under the Migration Act and the *Privacy Act 1988*. The department is authorised to disclose your personal identifiers to other government departments, Australian law enforcement agencies, Australian courts or tribunals, international organisations or other countries if it is for a permitted purpose under part 4A of the Migration Act. These purposes include checking your identity, identifying any character concerns and assessing if you are eligible for a protection visa.

In all cases where your personal identifiers are provided to other agencies or countries, we will take steps to protect your privacy.

The department will not disclose your personal identifiers to the country you are seeking protection from while you are a protection visa applicant, unless:

- you have requested or agreed to return to that country; or
- your application for a protection visa has been refused and the application is finally determined.

For more information on use and disclosure of your information, see forms [Safeguarding your personal information 993i](#) and [Your personal identifying information 1243i](#) (available at departmental offices or on the department's website [www.immi.gov.au](http://www.immi.gov.au)).

## Privacy and Freedom of Information

You have the right to see the record of your personal information. You also have the right to ask for the information to be changed if you think it is not correct, or complain if you are concerned about the way the information is being used.

If you believe the department has wrongly collected or used your personal information you can write to:

The Director  
Freedom of Information and Privacy Policy  
Department of Immigration and Citizenship  
PO Box 25  
BELCONNEN ACT 2616

or email [privacy@immi.gov.au](mailto:privacy@immi.gov.au)

If you are not satisfied with the department's response, you can write to:

The Privacy Commissioner  
GPO Box 5218  
SYDNEY, NSW 1042

or phone the privacy hotline on **1300 363 992**.

## More information

For more information visit the department's website at [www.immi.gov.au](http://www.immi.gov.au) or phone the General enquiry line on 131 881 during Australian business hours to speak to an operator. You will receive a recorded information message if you phone outside of these hours. If you are outside Australia, contact your nearest Australian mission.