Pathways to Permanency for Refugees on Temporary Visas
Revised August 2022

Refugees who arrived by boat to Australia have been placed on temporary visas that have denied them the ability to reunite with their families still overseas and get on with their life with any certainty.

What is a TPV and a SHEV Visa?
The Safe Haven Enterprise Visa (SHEV) and the Temporary Protection Visa (TPV) are the two types of temporary protection visas available to those claiming asylum who arrived to Australia by boat. "Temporary protection" is part of the Australian Government's current policy that people who came by boat and claimed asylum should not be given permanent protection. There are currently almost 20,000 people living in the Australian community on these visas with about 10,000 others under review or still awaiting processing of their asylum claim.

The TPV provides protection for three years, and the SHEV for five years before needing to re-apply for a further temporary visa. In order to apply for a SHEV the person must not only be in need of protection, meet health and character requirements, but must also commit to working or studying in a regional area. The SHEV was intended to provide a pathway to a permanent visa if certain criteria were met, but this has proven impossible for most applicants.

What are the issues?
Refugees who are living on temporary visas are experiencing ongoing difficulties that cause distress and prevent them from starting a life together with their families. Most refugees on temporary visas have lived in the Australian community for eight years or more, supporting themselves, paying taxes and sending remittances back to their families overseas. Many have missed seeing their children grow up and many key events like family funerals and weddings. Living in a constant state of uncertainty exacerbates mental stress and significantly restricts the employment, study or business options for refugees. The following simple changes will create more humane outcomes:

1. Provide access to permanent residency

Most SHEV holders struggle to meet the SHEV pathway to permanency, with the COVID-19 pandemic making this even more difficult. For those few that do fulfil the pathway, most will not meet the onerous criteria of the few permanent visas available to them under the current laws. So far only one person has been able to access a permanent visa through this system.

For those few who can meet the SHEV pathway, most of the permanent visas available to them are skilled visas which require levels of skill and English language that are beyond their reach. Many skilled visas also have an age limit attached to them – usually under 45. A significant number of SHEV holders may be over 45 by the time they qualify to apply, even though they arrived and commenced work in Australia many years before that.

SHEV holder Case Study:
Ali[*] arrived to Australia in 2010 to seek asylum, having fled the violence of his village in Afghanistan. In December 2016 he was found to be a refugee and granted a SHEV. By the time he had been granted a SHEV, Ali had found work in the construction industry in Perth. By this time, he had been living in Perth for four years, was accessing the mental health supports provided by a refugee support agency, had limited English language skills, and needed to continue to access employment so that he could send remittances to his wife and children living in an increasingly dangerous situation in Afghanistan. There were no supports provided to assist him to find work in a designated SHEV regional area.
Ali has had no choice but to remain living and working in a non-SHEV region. He is now unable to meet the SHEV pathway.
However, even if Ali did meet the SHEV pathway, as he is now over 45 and would not meet the university-level English requirements, he will be unable to attain any of the current skilled visas available for SHEV holders. This means he will not be able to apply for his wife and children to join him after a decade of living apart, and they will continue to live in danger in Afghanistan.
*not actual name

2. *Family Reunion*

Both the TPV and SHEV temporary visas have no allowance for sponsoring family members. This means that people found to be refugees but only given temporary visas cannot bring their spouses or children to live with them. Being refugees, it is not safe for them to return to the country from which they fled and most hold grave fears for the wellbeing of their loved ones who remain in danger.

Transferring people with TPVs and SHEVs onto permanent visas will enable the option for family reunion. This would greatly alleviate the mental distress they are now enduring and would help maximise the contributions they will be able to make to Australia. This change does not require new legislation but can be done by amending existing regulations.

What You Can Do
Write a polite and respectful letter to:

The Hon Andrew Giles MP
Minister for Immigration, Citizenship, and
Multicultural Affairs
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Salutation: Dear Minister

Letter writing action
The Federal Government have expressed a commitment to abolishing temporary visas and transitioning eligible refugees onto permanent visa arrangements. Since these changes do not require legislation they can be done quickly.

Points to make in your letters:
- Families should not be kept apart by Government policy.
- Providing access to permanent residency and family reunion would greatly alleviate the mental distress people are now enduring and would help maximise the contributions they will be able to make to Australia.
- Affirm the Government's election commitment to "abolish Temporary Protection Visas and Safe Haven Enterprise Visas and transition eligible refugees onto permanent visa arrangements," and request that this is implemented as a matter of priority.
- People who arrived by boat but are yet to have their protection claims processed or finalised should have their applications for a TPV or SHEV turned into an application for an alternative permanent visa.