

Getting a SHEV

Asylum seekers who arrive in Australia without a visa must apply to the Department of Home Affairs (DHA) on a Form 866 if they want protection. The Minister must first 'lift the bar' to allow them to apply. **IF** they can prove that the government owes them protection **AND** they pass health, character and security checks, they can get temporary protection - a 5-year Safe Haven Enterprise Visa (SHEV) or a 3-year Temporary Protection Visa (TPV).

People who already have a SHEV or TPV can reapply for a **further TPV or SHEV** on a Form 1505. They must apply **before** their current TPV or SHEV expires.

SHEV Conditions

- Five-year visa. Can reapply for a further TPV or SHEV before that visa expires.
- Notify DHA-of change of address within 28 days (Form 929)
- Notify DHA-of changes in details given in application (Form 1022)
- Work rights, Centrelink, Medicare, job seeker assistance, and short-term counselling
- Children under 18 can attend school
- People 18+ get free Adult Migration English Program. No government subsidies for other study
- Cannot bring family members to Australia
- Cannot visit home country and return.
- To visit other countries and return need written permission from Minister before you leave
- Can apply for some other (SHEV Pathway) visas

What happens at the end of the SHEV period?

SHEV holders can apply for a further TPV or SHEV **BEFORE** their current visas expires ([Form 1505](#)). If they prove you are still owed protection you can get a second TPV or SHEV visa. See [RAILS Fact Sheet](#)

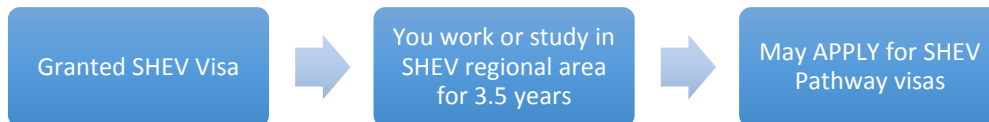
DHA will send a reminder will be sent by the visa holder's email or phone, about 3 months before the visa expires. The visa holder must tell DHA if their contact details change or they may not receive the reminder.

If a further application is made before the current SHEV expires, the current visa will continue until a decision is made. All benefits and work/study rights will continue, but before the current visa expires new forms will need to be lodged with Medicare (Form MS 004) and maybe Centrelink.

Some SHEV holders will be able to apply for work, student or family visas (rather than another TPV or SHEV) if they meet the work/study 'SHEV Pathway' rules (see below)

'SHEV Pathway' to other visas

If a SHEV holder, or a family member on their SHEV application, complete 3.5 years of work or study in a **regional area**, then you may be able to apply for some work, student or family visas.



During that 3.5 years, you or a family member must have been:

- employed in a SHEV regional area (full-time, part-time, temporary, casual, or seasonal) and not received Centrelink Special Benefit payments; **OR**
- enrolled and physically attending full-time study in regional Australia; **OR** involved in a combination of the above work and study.

You should keep records of your work and study on DHA [Form 1465](#).

'Regional area'

You must either live in a regional postcode area OR travel to the area for work or study. **'Regional area'** postcodes are on the [DHA website](#). Always check as they may change.

Who can apply for a 'pathway visa'?

Only one member of the family unit who can be included in the new pathway visa application, has to pass the work/study rules. So at least one family member who was included in the first SHEV application, who meets the work/study requirements, will need to make, or be able to be included as a family unit member in, the 'pathway visa' application.

When can you apply for a 'pathway visa'?

You can make the application for one of the other visas as soon as the 3.5 years has been completed. You can make up the 3.5 years work/study over different SHEVs. For example, you may only do 2 years of work on your first SHEV and 1.5 years of study on a second SHEV to make up the 3.5 years.

What if I don't complete the SHEV pathway?

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If you don't complete the 3.5 years work/study pathway within the 5 years, DHA might allow you to apply for another SHEV if you can show a real effort to satisfy the work/study pathway. But if you have not tried to work or study in a regional area you might only be able to get a TPV.

If you are granted a SHEV and don't move to a regional area, your SHEV cannot be cancelled.

What are my chances of getting a 'pathway visa'?

The pathway visas are listed below. They are all very hard to get and have large application fees. If you apply for one of the family, study or work visas after the 3.5 years, it does not mean you will get the visa. Many visas require high English skills and work qualifications

You should get advice from experienced migration agents/lawyers about these visas. The visas have many rules which are often changed by government, which can make it harder or easier for SHEV holders to get permanent residence.

The [DHA website](#) also has information about family, study and work visas.

Pathway visas

Skilled visas

189 (Skilled—Independent)
190 (Skilled—Nominated)
476 (Skilled—Recognised Graduate)
489 (Skilled—Regional (Provisional))
858 (Distinguished Talent)

Employer-sponsored visas

186 (Employer Nomination Scheme)
187 (Regional Sponsored Migration Scheme)
482 (Temporary Skill Shortage)

Business visas

132 (Business Talent)
188 (Business Innovation and Investment (Provisional))
405 (Investor Retirement)

Family visas

143 (Contributory Parent)
445 (Dependent Child)
801 (Partner)
802 (Child)
804 (Aged Parent)
820 (Partner)
835 (Remaining Relative)
836 (Carer)
837 (Orphan Relative)
838 (Aged Dependent Relative)
858 (Distinguished Talent)
864 (Contributory Aged Parent)
884 (Contributory Aged Parent (Temp)).

Student visas

402 (Training and Research)
500 (Student)
590 (Student Guardian).

Can I change from a TPV to a SHEV?

If you already have a TPV and want to apply for a SHEV, you must fill in a [Form 1505](#) 'Application for a subsequent Temporary Protection Visa or Safe Haven Enterprise Visa'. Your refugee claim will be assessed again by the Department and your TPV will continue while you wait for a decision.

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If you already have applied for a TPV and no decision has been made, you can change to a SHEV application. You need to send a letter to DHA withdrawing the TPV application and include a Form 790 SHEV application with all the same information about why you are a refugee plus any new information. Get advice from a migration agent/lawyer first.

If you do get a SHEV then the 3.5 year 'SHEV pathway' period only starts when you get the SHEV.