

Permanent Visas for the TPV / SHEV Cohort

This fact sheet sets out the rules about a permanent visa if you hold or have ever held a Temporary Protection Visa (TPV) or a Safe Haven Enterprise Visa (SHEV).

This information applies to you if you held or applied for a TPV or SHEV before 14 February 2023.

On 14 February 2023, the law changed allowing all holders of a TPV or a SHEV to be eligible for a Permanent Visa to remain in Australia. The permanent visa is called a Resolution of Status Visa (Subclass 581) (RoS Visa).

It is important to note that all conditions on your TPV and SHEV remain in effect until you are granted a permanent RoS Visa. This means that you cannot travel outside Australia without permission from the Department of Home Affairs ('the Department).

If you're still **waiting on a decision** on your first TPV or SHEV Application

If you're still waiting for a decision on your first TPV or SHEV application, you need to continue with your TPV or SHEV application. If the Department finds you meet the rules for a TPV or SHEV, you will be granted a permanent RoS Visa.

Make sure your contact details are up to date with the Department. If you get a letter from the Department about your TPV/SHEV, contact RAILS.

If your **first** TPV or SHEV has not expired yet

If you hold a TPV or SHEV, you can apply for a RoS visa online via ImmiAccount. You must apply before your current TPV or SHEV ceases to remain lawful. You have to be in Australia to apply.

Your protection claims will not be reassessed when you apply for a permanent RoS Visa, but you will need to meet security and character requirements and have an immigration medical if you haven't already done one.

You should contact RAILS for support. We strongly recommend that you do not apply online until you have spoken to one of our lawyers. It can be very easy to make a mistake and this could impact your visa or application.

If you have **already reapplied** for another TPV or SHEV (Subsequent Application)

If you were granted a TPV or SHEV and you have already reapplied for another TPV or SHEV, you do not need to make an application for a permanent RoS Visa. Your application for a Subsequent TPV or SHEV will be automatically considered as an application for a permanent RoS Visa.

Make sure your contact details are up to date with the Department. If you get a letter from the Department about a permanent RoS Visa, contact RAILS.

If you held a TPV or SHEV and it has **expired**

If you held a TPV or a SHEV and you did not apply for a subsequent visa before your visa expired, you may be eligible for a permanent RoS Visa. It is important you seek legal advice. Contact RAILS urgently.

If you are **outside Australia** and your TPV or SHEV has **expired**

If you had permission to leave Australia but were unable to return before your TPV or SHEV expired, you may be able to return now and apply for a ROSV.

Contact RAILS for more information and assistance.

If you held a TPV or SHEV and it has been **cancelled**

If you held a TPV or SHEV and it has been cancelled due to character grounds or other reasons, this cancellation remains in effect, and you cannot apply for a permanent RoS Visa.

Attend an ASRA hub to speak to a RAILS lawyer. Details here: www.rails.org.au/our-legal-services/programs/asylum-seeker-and-refugee-assistance-program

If your TPV or SHEV Application was **refused**

If you've been refused a TPV/SHEV, this change will not immediately affect you. If your matter is at the Immigration Assessment Authority (IAA), the Administrative Appeals Tribunal (AAT) or you have sought judicial review of your visa refusal at the Courts, you will need to be successful in these appeals before being considered for a permanent RoS Visa. If your matter is remitted to the Department and you are found to meet the rules for a TPV or SHEV, you will be granted a permanent RoS Visa.

If you have been unsuccessful on appeal and have asked the Minister to intervene allowing you to apply for protection again, you will need to continue with that process. If the Minister allows you to apply again for a TPV or a SHEV, and the Department decides that you are owed protection and meet the rules for a TPV or SHEV, you should be granted a permanent RoS Visa.

If you have been refused a TPV or SHEV and you currently do not have a merits review appeal (IAA or AAT), a judicial review matter or a ministerial request in progress, the changes do not apply to you. You cannot apply for a RoS Visa.

If your TPV/SHEV application was refused, attend an ASRA hub to speak to a RAILS lawyer. Details here: www.rails.org.au/our-legal-services/programs/asylum-seeker-and-refugee-assistance-program

If from Nauru or PNG

If you were taken to Nauru or PNG and not allowed to apply for a TPV or SHEV, this change does not apply to you.

Resolution of Status Visa (Subclass 851)

When you are granted this permanent visa, you will be allowed to remain in Australia permanently *but* you will only be allowed to travel into and out of Australia for 5 years.

If you wish to travel outside Australia more than 5 years after the grant of your permanent visa - and you are not an Australian citizen - you will need to apply for a Resident Return Visa (Subclass 155). This is a relatively quick and easy process but it is important to remember to do this *before* you leave to minimise difficulty returning to Australia.

If you are an Australian citizen by this time, you will not need to apply for a Resident Return visa.

Family Reunification

When you are granted this permanent visa, you may be eligible to sponsor family members through Australia's Family Stream Visa program, including Partner, Child and Orphan Relative Visas.

There may be some limited options through Australia's Offshore Humanitarian program.

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RAILS would like to thank RACS for sharing their fact sheet, which was the basis for this fact sheet

Medicare, Centrelink & NDIS

If you're granted a permanent RoS Visa, you'll be entitled to government services including Medicare, Centrelink, and the National Disability Insurance Scheme.

Getting Help from RAILS

RAILS can help you apply for the permanent RoS Visa. We can help you respond to letters from the Department about your visa.

RAILS is entirely independent of the Department. Our assistance is free.

If your TPV or SHEV is expiring soon or the Department has asked you for more information in relation to your RoS Visa application, you can contact us on (07) 3846 9333 or email PR@rails.org.au

Looking for help outside of Queensland?

- **Victoria**

Refugee Legal

Phone: (03) 9413 0101 | Email: clinic@refugeelegal.org.au |

Website: <https://refugeelegal.org.au/>

Asylum Seeker Resource Centre (ASRC)

Phone: (03) 9252 2534 | Email: legalcasework@ASRC.ORG.AU |

Website: <https://asrc.org.au/>

- **New South Wales**

Refugee Advice and Casework Service

Phone: (02) 8317 6505 | Email: admin@rails.org.au | Website: www.rails.org.au

- **Western Australia**

Circle Green Community Legal

Phone: (08) 6148 3636 | Email: enquiries@circlegreen.org.au |

Website: <https://circlegreen.org.au/>

- **Tasmania**

The Tasmanian Refugee Legal Service (TRLS).

Phone: (03) 6169 9473 | Email: info@rlstas.com | Website: www.rlstas.com