



Refugee Council
of Australia

TEMPORARY PROTECTION VISAS

A Temporary Protection Visa (TPV) is a type of humanitarian visa that is granted to asylum seekers who arrive in Australia without a valid visa and are found to be in need of protection. They were originally introduced in 1999 and abolished in 2008.

The Australian Government is seeking to reintroduce TPVs for all asylum seekers who arrive without visas (whether by boat or by plane) and are found to be refugees. The new TPV policy is virtually identical to the previous policy, with the exception that TPV holders will no longer have the opportunity to apply for permanent residency if they are found to still be in need of protection when their first TPV expires. Of the 11,000 people granted TPVs under the Howard Government between 1999 and 2008, more than 9,500 people received a Permanent Protection Visa when their TPVs expired.

TPVs allow a refugee to stay in Australia for a maximum of three years, after which time their protection claims are reassessed. TPV holders are allowed to work in Australia and have access to Medicare and income support. They are also able to receive torture and trauma counselling and assistance with finding employment. However, they are not eligible for the full range of settlement support services available to other humanitarian entrants (including free English classes under the Adult Migrant English Program). Additionally, they cannot sponsor their family members to join them in Australia and will be barred from returning to Australia if they travel overseas.

What Temporary Protection Visas are NOT

1. TPVs are not necessary to assess the claims of people in detention or in the community

The disallowance of TPVs has done nothing to prevent the Government from processing refugee claims. Rather, the Government is *refusing* to process these claims for political reasons. It does not wish to grant permanent protection to asylum seekers who arrived by boat and so has wilfully delayed processing to avoid having to do so. Australia has a robust Refugee Status Determination process. The Government needs to start assessing claims under the current system.

2. TPVs are not a deterrent to people seeking protection

In the three years following the introduction of TPVs in 1999, more than 12,000 people arrived by boat seeking protection. This was a ten-fold increase to the less than 1200 people who arrived by boat seeking protection from 1996-98. The lack of access to family reunion for TPV holders also acted as an incentive for increased numbers of women and children to undertake dangerous boat journeys, as they had no other way of reuniting with their family members. Among the 353 people killed when the SIEV X sank in 2001 were 142 women and 146 children, several of whom were attempting to reunite with husbands and fathers already in Australia on TPVs. Furthermore, the Australian Government says that any asylum seeker who arrives by boat in the future will be processed offshore and will not

be resettled in Australia. As such, TPVs are effectively redundant as a deterrent and their reintroduction would simply be a punitive measure.

3. TPVs are not necessary to renew expired Bridging visas

The Minister for Immigration currently has the power to renew Bridging visas for asylum seekers living in the community. There are many people who had work rights and jobs but had to resign for their jobs because their Bridging visa expired (through no fault of their own). If the Minister renewed Bridging visas, people with work rights could either return to their past jobs or seek new work.

4. TPVs are not necessary to give work rights to asylum seekers in the community

The lack of work rights for thousands of asylum seekers in the community on Bridging visas is a deliberate policy choice of successive governments. No legislative or regulatory changes are required to grant people the right to work. In fact, asylum seekers who arrive on a prior visa and then apply for protection often have work rights, so the policy is selective and punitive.

What Temporary Protection Visas ARE

TPVs are:

- 1. Discriminatory and hinder settlement:** TPVs do not allow refugees to access the full range of services that are necessary for their successful settlement in Australia. Limited entitlements for and access to essential services (e.g. accommodation, food, household goods, finances, language training, employment and healthcare) prevent refugees from actively participating in the Australian community and increase the likelihood of them becoming stuck in a cycle of dependence.¹
- 2. The cause of uncertainty and tension:** Temporary status promotes feelings of uncertainty and insecurity and tensions within communities. The constant threat associated with the re-evaluation of refugee status makes settlement intrinsically difficult for TPV holders. TPV restrictions also compound psychological strains of past trauma: restrictions to healthcare, English training, accommodation and family reunion cause additional psychiatric issues that multiply the effects of prior suffering.²
- 3. Damaging to families:** The denial of family reunion and travel rights is punitive and causes negative psychological effects. TPV holders have expressed concerns that restrictions on travel and family reunion are particularly designed as punishment. Studies have shown this distress was a leading cause of psychological problems among TPV holders.³
- 4. Wasteful of time and resources:** The TPV system requires all TPV holders to have their protection claims periodically reassessed, even if there has been no substantial change in conditions in their country of origin. As a result, time and resources are wasted reassessing claims even when it is clear from the outset that the person is in need of ongoing protection. Under the previously TPV policy, the vast majority of TPV holders – around 90% – were eventually granted permanent residency, as most came from countries such as Afghanistan and Iraq where there was no prospect of safe return in the foreseeable future.

¹ Barnes, D. (July 2003). *And A Life Devoid Of Meaning: Living on a Temporary Protection Visa in Western Sydney*, Western Sydney Regional Organisation of Councils, Sydney; Leach, M. & Mansouri, F. (2004). *Lives in Limbo: Voices of Refugees Under Temporary Protection*, UNSW Press, Sydney.

² Momartin, S., Steel, Z., Coello, M., Aroche, J., Silove, D.M. & Brooks, R. (October 2006). 'A comparison of the mental health of refugees with temporary versus permanent protection visas', *Medical Journal of Australia*, vol. 185, no. 7, pp. 357-361.

³ The Centre for Peace and Conflict Studies (CPACS) (2003), 'Go Away: Punished Not Protected: Temporary Protection Visa Holders' Powerlessness, Federal Politicians' Indifference', University of Sydney, Sydney.; Leach, M. & Mansouri, F. (2004); Mann, R. (2001); Mansouri, F. & Bagdas, M. (2002); Nayano Taylor-Neumann, L.V. (2011).

5. **The cause of cost-shifting:** Without access to Federally-funded settlement services, TPV holders are forced to seek assistance from State/Territory government services, not-for-profit community organisations and charities which are under-resourced and lack the skills to meet the needs of this particularly vulnerable group. TPV holders also turn for assistance to their ethnic communities, who are ill-equipped to respond to their complex needs.

How are Temporary Protection Visas different to Permanent Protection Visas?

Refugees on Temporary Protection Visas will be denied permanent residency, the right to apply for citizenship, access to family reunion and a ban on returning to Australia if they choose to leave, but will have work rights, access to Medicare and other services. The Table below provides information about the differences between Temporary and Permanent Protection Visas.

Table 1: Comparison of likely provisions for holders of Temporary and Permanent Protection Visas

	Temporary Protection Visa	Permanent Protection Visa
Visa provision	TPVs issued for periods of up to three years. TPV holders may apply again when the visa expires	Immediate permanent residency
Income assistance	Eligible for benefits set at Minister's discretion; may have mutual obligation restrictions	Access to full range of social security benefits
Settlement support	Access to services and support unclear	Access to full range of settlement support services
Work rights/ Employment	Permission to work but possible restriction based on geographic restrictions. Ability to find employment impeded by temporary status (employers want and often require employees to be permanent residents)	Permission to work and access to all employment services
Health care	Eligible for a temporary Medicare card	Same access to education any other permanent resident
Education	Education access and fee requirements unclear	Same access to education any other permanent resident; some additional supports available based on need
Language training	Current temporary substantive visa holders do not have access to English language education via the Adult Migrant Education Program (AMEP)	510 hours of English Language education
Family Reunion	No rights to family reunion	Can apply to sponsor immediate family members (spouse and children) but subject to restrictions
Overseas travel	No right of return; TPV forfeited upon leaving Australia	Can leave and re-enter Australia

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