



TPV/SHEV transition to permanent visas

The Australian Government has made Subclass 785 Temporary Protection visa (TPV) and Subclass 790 Safe Haven Enterprise visa (SHEV) holders eligible to apply for a permanent visa.

Eligibility

If you have held or applied for a Subclass 785 Temporary Protection visa (TPV) or a Subclass 790 Safe Haven Enterprise visa (SHEV) before **14 February 2023** you may be eligible for a permanent Subclass 851 Resolution of Status (RoS) visa.

If you do not engage protection obligations, you are not awaiting a merits or judicial review outcome, and you have exhausted all avenues to remain in Australia, you are expected to depart Australia voluntarily and may be provided assistance to depart.

Irregular travel to Australia

The Government is committed to Operation Sovereign Borders. Australia's border protection policies have not, and will not, change. Any person who attempts to travel to Australia irregularly will not settle permanently here.

Anyone who attempts to travel to Australia by boat without a valid visa will be either:

- turned back to their point of departure;
- returned to their home country, or
- transferred to a regional processing country for assessment of their protection claims.

Australia's tough border protection policies aim to protect Australia's borders, combat people smuggling and deter people from attempting dangerous boat voyages across the open ocean.

How to apply for a RoS visa

Current and subsequent TPV/SHEV applicants

If you currently have a TPV/SHEV application or a subsequent TPV/SHEV application on hand with the Department, **you do not need to do anything**. Your current application will be converted to a RoS visa application. The Department will contact you if we need any further information.

TPV/SHEV holders (without a subsequent TPV/SHEV application on hand with the Department)

Initially, the Department will invite a specific cohort of TPV/SHEV holders to apply for the RoS visa. This will include those who hold a TPV/SHEV that is due to expire soon (for more details see table below).

All other TPV/SHEV holders can apply online from late March 2023.

You can help progress your RoS visa application by responding to the Department's requests for information within the specified timeframes. Tell the Department promptly of changes to your circumstances or contact details (<https://immi.homeaffairs.gov.au/change-in-situation/contact-details>).

If you have special or unique circumstances and require support, contact the specialist community refugee and immigration legal service provider in your state or territory (see list of service providers below).

The majority of the caseload will be processed within 12 months of commencement.

Processing Phases

Phases	Cohort	Process	Date	RoS Visa Requirements
Phase 1	<ul style="list-style-type: none"> TPV/SHEV holders who hold visas that will soon expire Vulnerable cases Priority cases 	<ul style="list-style-type: none"> The Department will notify you of the visa application bar lift, in writing. We will send you a paper RoS visa application form. <ul style="list-style-type: none"> You must post the paper application form to the Department. We will contact you by email (if you have consented to electronic communication by the Department) or by a letter to your postal address. 	Between 14 February 2023 and late March 2023	<ul style="list-style-type: none"> You <u>must</u> satisfy the RoS visa grant requirements relating to health, national security and character. You also need to sign the Australian Values Statement. RoS visa applicants do <u>not</u> need to undergo a further protection obligations assessment. Most applicants will not need to attend an interview.
Phase 2	<ul style="list-style-type: none"> All remaining TPV/SHEV holders (without a subsequent application with the Department) 	<ul style="list-style-type: none"> You will be able to make an application for a RoS visa online through your ImmiAccount. You will not need notification of an application bar lift as this will be included in the electronic form. Further information will be made available on the Department's website at this time. 	From late March 2023	<ul style="list-style-type: none"> There is <u>no</u> visa application charge for a RoS visa.

Free visa application assistance

The Government has committed \$9.4 million over two years for **free** visa application assistance for this process. Specialist community refugee and immigration legal service providers across Australia will provide this assistance for free.

We encourage TPV/SHEV holders applying for a RoS visa to contact the legal service provider in their state or territory for support.

Service Provider	States/Territories serviced	Website
Refugee Legal	Victoria	www.refugeelegal.org.au
Refugee and Casework Support (RACS)	New South Wales	www.racs.org.au
Immigration Advice and Rights Centre (IARC) on referral from RACS NSW	New South Wales	www.iarc.org.au
Legal Aid	Australian Capital Territory	www.legalaidact.org.au
Refugee and Immigration Legal Service (RAILS)	Queensland	www.rails.org.au
Circle Green	Western Australia	www.circlegreen.org.au
Legal Services Commission	South Australia	www.lsc.sa.gov.au
Tasmanian Refugee Legal Service	Tasmania	www.trls.org.au
Legal Aid	Northern Territory	www.legalaid.nt.gov.au

Please Note: The Department of Home Affairs does not charge a fee to fast-track a visa. If you get offered this service, it is a scam.

Services and benefits for RoS visa holders

People granted a permanent RoS visa will have the same rights and benefits as all permanent residents. This includes no waiting period and immediate eligibility for:

- **all social security payments** (www.servicesaustralia.gov.au),
- **the National Disability Insurance Scheme** (www.ndis.gov.au) and
- **higher education assistance** (www.studyassist.gov.au).

RoS visa holders will be eligible to:

- become Australian citizens once residency and other requirements are met.
- sponsor family to come to Australia under the family visa stream of the Migration Program.

Sponsors or proposers who entered Australia as an unauthorised maritime arrival (UMA) no longer receive the lowest processing priority in the Family visa stream of the Migration Program.

RoS visa holders will continue to have access to **Medicare** and free expert mental health support through the **Program of Assistance for Survivors of Torture and Trauma** (www.health.gov.au).

More information

More information is available on the Department's website:

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/resolution-of-status-851>