



Temporary Protection visas and Safe Haven Enterprise visas

Information for state, territory and local governments

On 25 September 2014, the government introduced legislation that, among other measures, aims to establish a Temporary Protection visa (TPV) and a Safe Haven Enterprise visa (SHEV). These are both temporary visas to be granted to people who arrived illegally, who have been assessed as engaging Australia's protection obligations and who have fulfilled health, character, security and identity checks.

Conditions on TPVs and SHEVs

TPVs and SHEVs will largely have the same conditions.

Both TPVs and SHEVs will allow holders to work and have access to Medicare and social security benefits (Centrelink), job matching and short-term counselling for torture or trauma where required. Minors will have access to education funded by the government.

TPV and SHEV holders will not be able to bring family members through the Australian Humanitarian or Family Migration Programmes. If they leave Australia, their visa will cease and they will not be allowed to re-enter Australia unless they have another valid visa.

If the legislation is passed by Parliament, the *Migration Regulations 1994* will be amended to create the SHEV (currently anticipated to occur in April 2015) and illegal arrivals will have the option to apply for either a TPV or a SHEV. People who have already been granted a TPV prior to SHEVs being created will be able to transition to a SHEV.

Conditions particular to TPVs

A TPV will be valid for up to three years. Before it expires, holders will need to apply for another visa and have another assessment to see if they still engage Australia's protection obligations. If they do, and they meet all other criteria, they will have the choice to be granted another TPV or a SHEV, should they meet the requirements.

Conditions particular to SHEVs

A SHEV will be valid for five years.

SHEV holders will need to demonstrate an intent to work and/or study in regional Australia. If they work and/or study in regional Australia for at least three and a half years of their visa and access income support for not more than 18 months of the five years, they will be able to apply for other substantive visas, including permanent visas (but not Permanent Protection visas), provided that they meet the application criteria for those visas.



Accessing government assistance to study for a degree, diploma or trade certificate in a designated regional area will not classify as accessing social security benefits for the purposes of calculating the 18 month maximum period for the holder to be eligible to apply for other onshore visas.

Regional areas

The SHEV will encourage illegal arrivals who engage Australia's protection obligations to settle in a regional community and find work or study, while addressing the need to develop the economic and social structure of regional Australia.

State, territory and local governments will be able to opt in to a list of regional locations that welcome SHEV holders. Regional employers and educational institutions could also participate in this process.

There will be no obligation on the participating governments and institutions to be otherwise involved in the operation of the visa. State, territory and local governments that opt into the programme can, however, seek to influence the number of SHEV holders who might consider moving to their location by making information and/or services available to increase the likelihood of successful settlement in specific locations.

It is proposed that state, territory and local governments and relevant institutions will be given an opportunity to opt in or out of the programme on an annual basis.

Illegal arrivals who choose a SHEV and are trying to ensure they meet later visa application criteria will be able to reside in any regional area that has opted into the programme.

Please note that, as the legislation has not yet passed, the SHEV is still a proposed visa. Many of the details regarding how the SHEV is proposed to operate are still being discussed and will be set out in full when the SHEV comes into effect, current scheduled for April 2015, following necessary amendments to the *Migration Regulations 1994*.

Consultations on the SHEV with state, territory and local governments are ongoing. As further details about the SHEV are finalised, information will be disseminated to state, territory and local governments and other stakeholders.