



Permanency for Refugees on Temporary Visas

“And you are to love those who are foreigners, for you yourselves were foreigners in Egypt.”

- Deuteronomy 10:19

“As Christians called to love our neighbour, welcome the stranger, challenge unjust systems and offer refuge and care to those who are marginalised and in exile, we have a particular responsibility in our society when it comes to responding to issues related to asylum seekers and refugees.”

Shelter from the Storm - A Uniting Church in Australia Statement on Asylum Seeker & Refugee Policy, 2015

Refugees and people seeking asylum who arrived by boat to Australia between 13 August 2012 and 1 January 2014 have been placed on temporary visas that have denied them the ability to reunite with their families who are still overseas and get on with their life with any certainty. They are known as the “Legacy Caseload”.

What visas do people in the “Legacy Caseload” have?

The Safe Haven Enterprise Visa (SHEV) and the Temporary Protection Visa (TPV) are the two types of temporary protection visas available to people in the “Legacy Caseload” who are deemed to be refugees.

The new Federal Government have committed to granting permanency to refugees on temporary visas but people are growing increasingly anxious as each day passes without an announcement about their visa status being made.

There are about 31,000 people in Australia who have been placed on temporary visas. Approximately 20,000 of those people have been recognised as refugees and have been given a TPV or a SHEV, while the remainder of the “Legacy Caseload” are on Bridging Visas while their cases are being determined.

Many Bridging Visa holders are appealing the negative decisions they received through the “Fast-track” process – a determination process that has been neither fair nor fast. Bridging Visas are even more precarious than TPV or SHEV’s and some Bridging Visa holders are not allowed to work or access Government support, relying entirely on charitable support.

All 31,000 people have been in Australia for close to a decade and are still anxiously awaiting a permanent visa.

What are the issues?

Refugees who are living on temporary visas are experiencing ongoing difficulties that cause distress and prevent them from starting a life together with their families. Most refugees on temporary visas have lived in the Australian community for eight years or more, supporting themselves, paying taxes and sending remittances back to their families overseas. Many have missed seeing their children grow up and many key events like family funerals and weddings. Living in a constant state of uncertainty exacerbates mental stress and

significantly restricts the employment, study or business options for refugees. The following simple changes are urgently needed:

1. Provide access to permanent residency

Permanency will allow many who have lived and worked in Australia for a decade to finally be able to settle here, to reunite with family members and contribute fully to Australian society. There is research to show that granting permanency also delivers long-term economic returns by enabling people to upgrade their skills, sustain and grow their own businesses, and employ other workers.

2. Family Reunion

Both the TPV and SHEV temporary visas have no allowance for sponsoring family members. This means that people cannot bring their spouses or children to live with them. Being refugees, it is not safe for them to return to the country from which they fled and most hold grave fears for the wellbeing of their loved ones who remain in danger.

Transferring people with TPVs and SHEVs onto permanent visas will enable the option for family reunion. This would greatly alleviate the mental distress they are now enduring and would help maximise the contributions they will be able to make to Australia. This change does not require new legislation but can be done by amending existing regulations.

What You Can Do

Write polite and respectful letters to:

The Hon Andrew Giles MP
Minister for Immigration, Citizenship, and
Multicultural Affairs
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Salutation: Dear Minister

The Hon Clare O'Neil MP
Minister for Home Affairs
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Salutation: Dear Minister

Points to make in your letters:

- Express concern that refugee families should not be kept apart by Government policy.
- Providing access to permanent residency and family reunion would greatly alleviate the mental distress people who are refugees are now enduring and would help maximise the contributions they will be able to make to Australia.
- Affirm the Government's election commitment to "abolish Temporary Protection Visas and Safe Haven Enterprise Visas and transition eligible refugees onto permanent visa arrangements," and request that this is implemented as a matter of priority.
- People who arrived by boat but are yet to have their protection claims processed or finalised should have their *applications* for a TPV or SHEV turned into an *application* for an alternative permanent visa without having to resubmit another costly and inefficient application.

Letter template Re: ADVOCATE FOR PATHWAYS TO PERMANENCY FOR THOSE ON TPV AND SHEV VISAS

Dear Minister (and/or your local MP)

We welcome Minister Giles' statement on September 6th that, *"the Albanese Government has made a commitment to transition those who have been found to be owed our protection on temporary protection visas to permanent protection – we will keep this promise and meet our commitment as soon as possible."*

We wish to add our voice to the call for the Government to act on this promise without further delay. The group of refugees who are a part of what is often referred to as the "Legacy Caseload" have had their lives in limbo for up to 10 years. The temporary, uncertain status they face has caused many problems:

EMPLOYMENT: Many employers do not recognise that the Safe Haven Enterprise Visa (SHEV) was intended as a pathway to permanency and therefore are reluctant to employ people who they think are at risk of having visas refused or cancelled. Ironically, many SHEV and TPV holders now hold qualifications and work experience in occupations in demand in Australia; for example, in hospitality, age and disability care; horticultural and farming industries; the building industry and motor mechanics. If they held permanent visas, they would be able to gain more secure jobs and fill the current gaps in the employment shortage. A win-win situation for Australia and refugees.

STUDY: Children who have grown up in Australia, and those who arrived in Australia as young adults, have been restricted in their access to further education because the nature of their visa requires payment of international student fees.

Recommendation: We ask that this situation be addressed urgently so that anyone recognised as a refugee - even if on a temporary visa - be able to access tertiary fees at the same rate as other permanent residents. This also would be of economic benefit to Australia.

MENTAL HEALTH CONCERNS: Mental health resources have been strained for many years and the Covid pandemic has exacerbated this crisis. Many people seeking asylum suffer from Post-Traumatic Stress based on experiences that forced them to flee from their homeland. For many, this has been worsened due to separation from their loved ones. Some of the men have not seen their wives and children for over 8 years. Permanent visas would both facilitate access to mental health services and be a pathway to family reunification.

FAMILY ISSUES

We note with concern that whilst the Minister has promised permanent visas for this cohort of people, once they are granted visas there will be thousands who will immediately want to start sponsoring their immediate family members from whom they have been separated for the past ten years. We note that many of the men who were granted permanent visas back in between 2010-2012 are still waiting for the finalisation of applications for their families which were lodged in 2013 -2015.

Labor cannot continue to just blame the backlog inherited from the previous government. We urge the Minister to have definite plans of how to address this situation so that families can be reunited as quickly as possible.

We are also extremely concerned that many of these families face the possibility of being further split up due to how a “dependent child” is defined in current immigration regulations.

The current age limit of 23 fails to take into account that children in refugee situations often remain dependent on their parents for a much longer period of time than families in normal situations. We also note that many of these families have already been separated for over ten years and to be further separated because of migration regulations concerning age limits will cause further trauma and distress.

Finally, we encourage the Minister to consider the Afghan children who have been fortunate enough to have already gained visas to Australia and to research how many of these children have now successfully completed university degrees or set up their own businesses. Senator Payman in Perth is a wonderful example of how determined the children of boat arrivals are to succeed in their lives and give back to the country that has granted them protection.

We look forward to the Australian Government fulfilling its promise of pathways to permanency for those on temporary visas without further delay.

Yours Sincerely,

Three TPV holder case studies:

Afsenah* from Afghanistan tormented by the Taliban, was put on a boat by her relatives to flee to Australia long before 11/8/2013, with a promise that her children (5 all underage then) would be put on the next boat. Circumstances made this impossible and the grandmother (aged) fled with the children to Pakistan. Upon arrival an application was lodged to the government, who promptly lost her application and later responded that now her application would be regarded as arriving after the cut-off date, which meant that she would never qualify to bring her children to Australia. Appeal after an appeal had failed, and this lady (still on TPV, and with several injuries, and having attempted suicide at least one, had now lost all hope to be ever united to her family (still in Pakistan, with an ever-increasing frail grandmother).

A young man, busy with his PhD in Iran, had fled with his family to Australia, and was sent to Inverbrackie, South Australia. Released from there, this family is driving a good business and paying taxes in Australia since then. Yet, despite many SHEV applications they still remain on TPV. However, he and his brothers wanted to study, but can't take up the excellent COFA support to study full time, as they are helping in the business, and now all have to pay international fees to study part time.

Karim* is 36 years old from Afghanistan. He lives in Kewdale, a suburb of Perth, Western Australia and worked as a truck driver. He has lived in WA for the past 10 years and is currently on a Bridging Visa E (BVE). He is currently awaiting the outcome of a letter he sent to the Minister to consider his case. However he has lost his work rights and is unable to work in the interim. He needs to reapply for his BVE every three months. It is not safe for him to return to Afghanistan and so he remains in extended limbo. He says that he is longing to be able to access permanency in Australia so he can finally be with his family. Karim says that his family have been struggling a lot without him and he has missed a lot of time with them. He thinks about them every day and everything he does is with them in mind. Having been on a temporary visa for a very long time Karim feels very powerless to change anything. All he wants is for his family to be here with him in Australia so that he knows they are safe and so he does not have to be alone. To take his mind off his situation Karim likes to walk in the park and his favourite place to visit is Kings Park. (*not actual name)