



## Temporary Protection Visas

### What are Temporary Protection Visas?

Temporary Protection Visas (TPVs) were a type of Australian visa given to asylum seeker boat arrivals from 1999 to 2007. The visa lasted for three years, and holders had access to some medical and welfare services, but no access to family reunion or travel rights. Once the visa expired after three years the holder had to re-apply for another 3 year TPV. Around 11,000 TPV were issued and 90 percent of TPV holders were eventually issued with protection visas.<sup>1</sup>

### What's wrong with TPVs?

During their existence TPVs created a second class of refugees who, in contrast to permanent visa holders, faced ongoing limbo and uncertainty about their ability to remain in Australia, as well as deliberate exclusion from basic welfare and integration services, such as:

- No right to apply for family reunion with spouses and children who remained overseas in high risk situations;
- Barred from most forms of Centrelink support;
- No right to funded English classes, interpreting or translation services;
- No access to emergency accommodation and limited access to state housing<sup>2</sup>.

Australia was the only country to introduce TPVs for genuine refugees as a form of penalty<sup>3</sup> and this has damaged Australia's international reputation.

### While they may have been harsh, didn't they work?

Contrary to popular belief, 'tough' immigration policies in the past have not succeeded as an effective deterrent:

- In 1999 less than 1000 'unauthorised arrivals' applied for asylum, the year TPVs were introduced.

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<sup>1</sup>Australian Parliamentary Library – Boat Arrivals in Australia since 1976  
[http://www.aph.gov.au/about\\_parliament/parliamentary\\_departments/parliamentary\\_library/pubs/bn/2012-2013/boatarrivals#\\_Toc347230716](http://www.aph.gov.au/about_parliament/parliamentary_departments/parliamentary_library/pubs/bn/2012-2013/boatarrivals#_Toc347230716)

<sup>2</sup>Dr Don McMaster, 'Temporary Protection Visas: The bastard child of the One Nation Party,' [http://www.adelaide.edu.au/apsa/docs\\_papers/Aust%20Pol/McMaster.pdf](http://www.adelaide.edu.au/apsa/docs_papers/Aust%20Pol/McMaster.pdf), *Australasian Political Studies Association Conference*, 29 September – 1 October 2004.

<sup>3</sup>Human Rights Watch, *Human Rights Watch Commentary on Australia's Temporary Protection Visa for Refugees*, <http://www.hrw.org/backgrounder/refugees/australia051303.htm>, accessed April 2011.

- In 2001, when the policy was in full force, the arrivals rose to more than 4000.<sup>4</sup>
- Under this policy, denying the right to refugees on TPVs to apply for family reunion pushed the wives and children of asylum seekers onto boats in an attempt to be reunited.
- In 2001 353 people drowned in the tragic SIEVX disaster while travelling by boat to Australia. Most of the 288 women and children aboard the SIEVX were family members of TPV holders already in Australia.<sup>5</sup>

### **What has the Coalition done recently?**

During their time in opposition the Coalition remain committed to the idea that TPVs worked and have continually called for TPVs to be brought back to 'stop the boats'. In March 2013, Scott Morrison, the Coalition's immigration spokesperson tabled a private members bill in Parliament to bring back Temporary Protection Visas.<sup>6</sup> The bill brings back the same TPV program that the Howard government started in 1999. It seems that under any Coalition government, TPVs would be a part of their asylum seeker policy.

### **What has the Labor Party done recently?**

Despite being the party that removed TPVs, then Immigration Minister Chris Bowen in 2011 proposed that any genuine refugees who are found to be involved in any criminal actions while in detention would be placed on TPVs and not protection visas. Some members of government and refugee advocates slammed the idea.<sup>7</sup> Then in 2012, Prime Minister Gillard called for a review of TPVs to see if they did offer any deterrence value.<sup>8</sup>

The Labor government did not make any moves to reinstall the TPV program they did however move a number of asylum seekers onto bridging visas and removed many of the same rights the TPV program did.

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<sup>4</sup> Karin FathimathAfeef, 'The Politics of Extraterritorial Processing: Off shore Asylum Policies in Europe and the Pacific,' *Refugee Studies Centre*, Working PaperNo. 36, October 2006, p. 12.

<sup>5</sup><http://sievx.com/articles/disaster/200111xxEITelegraph.html>

<sup>6</sup>Scott Morrison MP – Speeches and Transcripts -

<http://www.scottmorrison.com.au/info/speech.aspx?id=610&page=-1>

<sup>7</sup> ABC Online – Greens fear return to temporary visas <http://www.abc.net.au/news/2011-04-26/greens-fear-return-to-temporary-visas/2668312>

<sup>8</sup>Hansard -

<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansard%2F3e4e9532-bf3c-4623-bc6b-c0e926ad7cec%2F0116%22>

## How are bridging visas and TPVs similar?

Both TPVs and Bridging visas take away many rights from asylum seekers/refugees punishing them for fleeing persecution leaving them in limbo and struggling to survive. This has recently been highlighted with the Labor party's policy of taking away work rights for asylum seekers on bridging visas.

Asylum seeker boat arrivals that are moved into the community while they wait for a decision on their protection visa are given a bridging visa. No asylum seeker on a bridging visa can access welfare payments though Centrelink however those that arrived before August 13 2012 may have work rights, giving them a chance to earn an income.<sup>9</sup>

For asylum seeker boat arrivals that arrived after August 13 2012, if they are moved from detention into the community they will not be able to access Centrelink payments and they will not be given work rights. Without work rights and little welfare payments, it is believed a similar second class of asylum seekers like we saw under the TPV program will be created.<sup>10</sup>

Moving asylum seekers onto bridging visas with no work rights was a policy decision by the Labor government in line with their 'no advantage' rule that came out of the Huston Report. Immigration Minister Tony Burke ruled out giving work rights to asylum seekers believing work rights would be an incentive to people smugglers.<sup>11</sup>

Paris Aristotle, a member of the three man expert panel that led to the creation of the 'no advantage' rule, slammed the government's decision to remove work rights, claiming it was never a recommendation<sup>12</sup>

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<sup>9</sup>DIAC – Fact Sheet 65 Bridging Visas for IMAs <http://www.immi.gov.au/media/fact-sheets/65onshore-processing-irregular-maritime-arrivals.htm>

<sup>10</sup>The Sydney Morning Herald – Alarm over asylum underclass <http://www.smh.com.au/federal-politics/political-news/alarm-over-asylum-underclass-20130528-2n9ks.html>

<sup>11</sup>Sydney Morning Herald – Asylum seekers unlikely to receive work rights <http://www.smh.com.au/federal-politics/political-news/asylum-seekers-unlikely-to-receive-work-rights-20130709-2pod9.html>

<sup>12</sup>Sydney Morning Herald – Backlash forces retreat on refugee work rights <http://www.smh.com.au/federal-politics/political-news/backlash-forces-retreat-on-refugee-work-rights-20121126-2a3wq.html>