



Temporary Protection Visas

What are Temporary Protection Visas?

Temporary protection visas (TPV) are given to asylum seekers who need protection in place of a permanent protection visa. After being introduced in Australia first in 1999, they were removed in 2008 and on 18 October 2013, the Coalition Government reintroduced TPVs

Asylum seekers who arrived by boat before 19 July 2013 and not had their protection visa application finalised can only be issued a TPV. Those that arrived after 19 July 2013 are subject to regional processing arrangements and are sent to PNG or Nauru.

Asylum seeker plane arrivals that arrived without a valid visa, (this usually means false or fake documents) can only be issued a TPV. Plane arrivals who arrive with a valid visa (such as a student visa) can still apply for permanent protection at any time.¹

What are the Temporary Protection Visa Regulations?

The Coalition Government's reintroduction has the result that anyone who has held or is on a TPV cannot gain a permanent visa. Under the new regulations, those who have not had their determinations finalised will only get a TPV, no permanent residency.² This means that someone who has arrived in Australia and has been deemed a refugee but is yet to have their claim finalised with security and health checks, will only be granted a TPV. There are around 30,000 asylum seekers who are waiting for their application to be finalised.³

A TPV lasts for three years and once the visa expires after three years the holder has to re-apply for another 3 year TPV. Holders will have access to some medical and welfare services, but no access to family reunion or travel rights. Positively, TPV holders will have the right to work and children may in the future have access to public education.⁴ To be granted permanent protection a TPV holder requires ministerial approval if the minister believes it is in the national interest.⁵ There is no definition of the 'national interest'. Under the Howard government 11,000 TPVs were issued and 90 per cent were eventually issued permanent protection visas.⁶

What's wrong with TPVs?

TPVs will create a second class of refugees. During 1999 – 2007, in contrast to permanent visa holders, TPV holders faced ongoing limbo and uncertainty about

¹ Migration Amendment (Temporary Protection Visas) Regulation 2013

<http://www.comlaw.gov.au/Details/F2013L01811>

² <http://www.eurekastreet.com.au/article.aspx?aeid=38395#UmhYnnCnrPX>

³ <http://www.abc.net.au/news/2013-08-16/coalition-promises-return-of-temporary-protection/4893524>

⁴ Scott Morrison MP, Explanatory Statement,

<http://www.comlaw.gov.au/Details/F2013L01811/Explanatory%20Statement/Text>

⁵ Scott Morrison MP, Media Release <http://www.scottmorrison.com.au/info/pressrelease.aspx?id=1047>

⁶ 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

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 housing⁷.

Australia was the only country to introduce TPVs for refugees as a form of penalty⁸ and the policy 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 2000, the first full year after TPVs were introduced, there were 2939 arrivals. In 2001, by the time the policy was in full force, arrivals rose to more than 5000.⁹
- 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.¹⁰

TPVs are a form of punitive punishment that did not previously deter boat arrivals nor stop deaths at sea. They ignore push factors such as the increasing number of asylum seekers moving across borders worldwide.¹¹ The fact that 90% of TPV holders were eventually granted permanent residency during the previous era of TPVs is an indication that the re-introduction is more politically based than a proper long term policy aimed at solving the issue.

⁷ 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, *Australasian Political Studies Association Conference*, 29 September – 1 October 2004.

⁸ 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.

⁹ Refugee Council of Australia <http://refugeecouncil.org.au/r/stat-as.php>

¹⁰ <http://sievx.com/articles/disaster/200111xxEITelegraph.html>

¹¹ UNHCR Global Trends: <http://unhcr.org/globaltrends/june2013/>