

Permanent Visas for TPV/SHEV Holders

This fact sheet sets out the rules around eligibility for a permanent visa if you hold or have applied for a Temporary Protection Visa (TPV) or a Safe Haven Enterprise Visa (SHEV).

People that hold a TPV or SHEV are usually only eligible to apply for another TPV or SHEV, unless they have met the '[SHEV pathway requirements](#)' requiring you to work or study in a regional area.

On 14 February 2023 the law changes allowing all holders of a TPV or a SHEV to now be eligible for a Permanent Visa to remain in Australia – a Resolution of Status Visa (Subclass 581).

Process of applying for a permanent visa

If you **hold** a TPV or SHEV

If you hold a TPV or SHEV, the law has changed allowing you to apply for a Permanent Visa. The Permanent Visa that you can apply for is a Resolution of Status Visa (RoS) (Subclass 851).

You will not be required to have your protection claims reassessed to be granted a Resolution of Status Visa, however, the grant of the visa will be subject to relevant character, health, and security checks. For more information about the process to apply for a Resolution Status Visa please attend one of our information sessions. RACS is holding information sessions in Various language groups. See our [website](#) on how to register.

If you have **already reapplied** for a TPV or SHEV (Subsequent Application)

If you were granted a TPV or SHEV and you have already reapplied for another TPV or SHEV, you do not need to make an application for a permanent visa. Your subsequent application for a TPV or SHEV will be considered as an application for a RoS permanent visa.

If you're still **waiting on a decision** on your initial TPV or SHEV Application

If you're still waiting for a decision on your initial TPV or SHEV application, you will still need to continue with your TPV or SHEV application for now as per the current legal process. If you are found to meet the relevant criteria for a TPV or SHEV, you will be granted a RoS permanent visa.

If you held a TPV or SHEV and it has **expired**

If you held a TPV or a SHEV and you did not apply for a subsequent visa before your visa expired, you may be eligible for a RoS permanent Visa. It is important you seek urgent legal advice about your particular circumstances and contact RACS on admin@racs.org.au and 02 83176505.

If you held a TPV or SHEV and it has been **cancelled**

If you held a TPV or SHEV and it has been cancelled due to character grounds or other reasons, this cancellation remains in effect and there is no change to your current legal status or process. If this situation applies to you, it is important you seek urgent legal advice about your particular circumstances.

If you've had your TPV or SHEV Application is refused

If you've been refused a TPV/SHEV this change in the law will not immediately affect you, and your current legal situation. If your matter is at the Immigration Assessment Authority (IAA), the Administrative Appeals Tribunal (AAT) or you have sought judicial review of your visa refusal at the Courts, you will still need to be successful in these appeals before being considered for a permanent RoS. If your matter is remitted to the Department of Home Affairs and you are found to meet the relevant criteria for a TPV or SHEV, you will be granted a permanent RoS visa.

If you have been unsuccessful on appeal and have requested the Minister to intervene allowing you to apply for protection again, you will need to continue with that process. If through this process, it is determined that you are owed protection and would otherwise meet the criteria for a TPV or SHEV you should be eligible for a permanent RoS.

If you have been refused a TPV/SHEV and you currently do not have a merits review appeal (IAA or AAT), a judicial review matter or a ministerial request in process it is important you seek urgent legal advice about your particular circumstances.

RACS is holding information sessions in Various language groups. See our [website](#) on how to register.

Resolution of Status Visa (851)

Travelling Overseas

You will be able to travel overseas once you are granted a Permanent Visa, however at the minimum, you will need:

- A Convention Travel Document;
- A visa, or permission to enter the country you seek to visit; and

These documents are explained further below.

Convention Travel Document

If you travel overseas, you should use a *Convention Travel Document*. A Convention Travel Document is like a passport that people recognised as refugees can use to travel overseas.

Do not use the passport of the country from which you fled persecution.

To apply for a Convention Travel Document, you should contact the Australian Passport Office of the Department of Foreign Affairs and Trade to request a form PC5. You can request a form PC5 by calling 131 232 and selecting option (0) and asking for the form to be posted to you. You may also be able to pick one up from your nearest Australian Passport Office but we suggest you call 131 232 first to check the location and opening hours.

Once you have form PC5, you need to complete the form. Include your personal information to verify your identity and evidence of your current visa status (e.g. visa grant letter or VEVO check). When the form is complete, you need to call 131 232 to make an appointment. You will need to pay an application

fee at the appointment. The current fee as of February 2023 is \$204. It is important that the information in the form is correct. If you need help with these steps, you can contact RACS for assistance.

You can find more information on Convention Travel Documents [here](#):

Once you have a Convention Travel Document, you should inform the Department of Home Affairs to give them the details of your new Convention Travel Document.

Visas and Entry Permits

You will also need to show you have permission to travel to the country where you intend to travel. For example, if you have a Convention Travel Document and intend to travel to Malaysia, you will need to show you have a visa (or other permit) to travel to Malaysia before Australia will give you permission to leave Australia to visit Malaysia.

Can I travel to a declared area?

No. Even if you have a Convention Travel Document and a visa or entry permit, you cannot visit declared areas. A declared area is an area in a foreign country that the Minister of Foreign Affairs has listed as having terrorist activity. You could be committing a criminal offence if you intentionally enter or stay in a declared area. Currently the Mosul district in Iraq and Al-Raqqa province in Syria are declared areas.

For further information see Australian National Security [website](#).

Can I return to my home country?

Whilst returning to your home country is not precluded as a visa condition on an RoS Visa, travelling to your home country may be an indication you no longer need protection which is the reason in which you were granted a TPV or SHEV in Australia. You should **not** travel to your home country without obtaining independent legal advice addressing your personal circumstances.

Family Reunification

As a permanent visa holder you may now be eligible to sponsor family members through Australia's Family Stream Visa program as well as Australia's Offshore Humanitarian program.

People holding a permanent RoS Visa will not be able to apply under Australia's split family provisions.

Both these streams are highly competitive and involve a complex application which will need to meet a strict eligibility criteria. We recommend you seek legal advice before making any applications as such processes can also impact your visa status in Australia. RACS can offer you this advice through RACS Family Reunification Service.

Please see RACS Fact Sheets on these processes

[Sponsoring your Partner](#)

[Offshore Humanitarian Visa Stream](#)

[Family Reunion Visa Overview](#)

RACS has a dedicated Family Reunion Service, if you would like advice about your options, please contact RACS as per the below.

Medicare, Centrelink & Counselling for Torture and Trauma

If you're granted a Permanent RoS Visa, you'll be entitled to government services including Medicare, Centrelink, and the National Disability Insurance Scheme.

You will also be eligible to access short-term counselling for torture and trauma. For more details please contact the [Forum of Australian Services for Survivors of Torture and Trauma](#).

Study & Work

If you're granted a Permanent Ros Visa, you will have the right to study and work in Australia on a permanent basis.

You may also be eligible to attend English Language classes for free. To check your eligibility please contact an [Adult Migrant English Program \(AMEP\) provider](#).

Other Important Information

If you're granted a Permanent Visa you may be eligible to apply for Australian citizenship after one year. Australia. You will need to satisfy the relevant residency, character, language, and Australian knowledge requirements in order to apply for and be granted Australian citizenship.

RACS can provide advice to you and your family about applying for Citizenship in Australia. Please contact RACS as per the below.

Getting Help from RACS

RACS is entirely independent of the Department of Home Affairs. All assistance is free. If you would like advice or assistance please register to attend one of our community information sessions, which can be found [HERE](#).

RACS also has a dedicated advice line for people applying for or hold a TPV, SHEV or a permanent RoS Visa.

PH: (02) 8317 6505

Monday – Friday : 10am – 1pm, 2pm – 4pm.

To access RACS services generally, including our Family Reunion & Citizenship service:

Service	Day	Time	Address/Number
TPV/SHEV Hotline	Monday to Friday	10AM to 1PM and 2PM to 4PM	(02) 8317 6505 or admin@racs.org.au
Telephone Advice	Monday to Friday	11AM to 1PM and 2PM to 4PM	(02) 8355 7227 or admin@racs.org.au
Auburn Drop-in	Wednesday	10AM to 12PM	Visit 44A Macquarie Road, Auburn

Please note: This fact sheet contains general information only. It does not constitute legal or migration advice. RACS is independent of the Department of Home Affairs. All assistance is free. This factsheet was prepared on 13 February 2023.

Looking for help outside of NSW?

- **Victoria**

Refugee Legal

Phone: (03) 9413 0101 | Email: clinic@refugeelegal.org.au |

Website: <https://refugeelegal.org.au/>

Asylum Seeker Resource Centre (ASRC)

Phone: (03) 9252 2534 | Email: legalcasework@ASRC.ORG.AU |

Website: <https://asrc.org.au/>

- **Queensland**

Refugee and Immigration Legal Service (RAILS)

Phone: (07) 3846 9300 | Email: admin@rails.org.au | Website: www.rails.org.au

- **Western Australia**

Circle Green Community Legal

Phone: (08) 6148 3636 | Email: enquiries@circlegreen.org.au |

Website: <https://circlegreen.org.au/>

- **Tasmania**

The Tasmanian Refugee Legal Service (TRLS).

Phone: (03) 6169 9473 | Email: info@rlstas.com | Website: www.rlstas.com

People in ACT, NT, SA are encouraged to check with their local Legal Aid offices – or can contact RACS if they cannot afford legal assistance and cannot access this assistance in their home state.