

Fact Sheet: Temporary Protection Visas (TPV) and Safe Haven Enterprise Visas (SHEV)

This fact sheet is for asylum seekers who arrived by boat or by plane without a valid visa applying for protection for the first time on or after 14 February 2023. If you fear returning to your home country, you can apply for either a Temporary Protection Visa (TPV) or a Safe Haven Enterprise Visa (SHEV). This fact sheet provides information about these two visas.

Types of protection visas

There are three types of protection visas that the Australian Government can grant to people who are recognised as refugees in Australia:

- Permanent Protection Visa (PPV - Class XA subclass 866)
- Temporary Protection Visa (TPV - Class XD subclass 785)
- Safe Haven Enterprise Visa (SHEV - Class XE subclass 790)

To be granted these visas, people must have had their protection claims assessed by the Australian Government and be assessed as meeting all the criteria for the visas (including health, character and security criteria).

If you arrived in Australia by boat or plane without a valid visa or were not immigration cleared, you cannot apply for a Permanent Protection Subclass 866 visa.

If you arrived by boat, you would be barred from applying for visas while you are in Australia, and in general need to receive an invitation from the Minister to apply for a SHEV or TPV.

How to apply for a TPV or SHEV?

If you wish, or are invited, to apply for a TPV or SHEV, you should follow these steps:

1. Get advice and decide which application you would like to make.

Please see "Getting Help from RACS" for how to do this. Also make sure you know when you need to lodge your application.

2. Get copies of your previous interviews with the Department of Home Affairs.

Complete Form 424A to request copies of these documents. RACS can assist with this.

3. Complete an application form

You must generally complete the application online through [ImmiAccount](https://immiaccount.gov.au). There is a fact sheet on our website about completing the form <http://www.racs.org.au/factsheets/>

4. If you want to, write a separate statement to accompany your application

If you want help to write a statement, give RACS copies of your previous interviews and we may be able to help you to write a statement.

5. Get legal advice before lodging your application

RACS can give you an appointment to review your documents and give you legal advice before you submit your application. To request an appointment, see "Getting Help from RACS" below.

What is the difference between a TPV and a SHEV?

TPVs and SHEVs are very similar. Both visas have the same conditions regarding work, study, social security and healthcare.

- You are permitted to live anywhere in Australia.
- Both visas allow you to work, access Centrelink benefits, Medicare, job seeker assistance and short-term counselling for torture or trauma.
- Children under 18 can attend school.
- People aged 18 or over can access the Adult English Migrant Program (AMEP), however, they will not be eligible for Commonwealth-funded subsidies for other study.

Both visas have the same conditions regarding citizenship, family reunion and overseas travel.

- Neither visa allows you to become a citizen.
- Neither visa allows you to sponsor family members.
- Neither visa allows you to travel outside of Australia and then return, unless the Minister for Immigration grants permission for you to do so. Department of Home Affairs policy states that visiting close relatives may be considered compelling and compassionate. For further information on requesting permission to travel contact RACS.
- On both TPVs and SHEVs, you must notify the Department of Home Affairs of a change of address within 28 days.

There are two important differences between the TPV and the SHEV: the duration of the visa and visa options after the expiry of the visa.

	TPV	SHEV
Duration	3 years	5 years
Visa options after expiry	<ul style="list-style-type: none"> • Can apply for another TPV or SHEV. • Cannot apply for a permanent protection visa. • Cannot apply for any other visa. 	<ul style="list-style-type: none"> • Can apply for another TPV or SHEV. • Cannot apply for a permanent protection visa. • If you meet the regional work/study pathway requirements, you can apply for a work, student or family visa.

To make a valid application for a SHEV, you must have an intention to work or study in a regional area to meet the pathway requirements. Your visa will not be cancelled if you do not meet these criteria but you must have an intention to meet them.

Should I apply for a TPV or a SHEV?

This is a personal decision for you to make. We suggest you think about:

- whether you would prefer your protection claims to be re-assessed in 3 years or 5 years
- whether you will be able to find work in a regional area
- whether you will be able to afford the fees to study in a regional area
- whether you are likely to meet the requirements for work, student or family visas in 5 years
- whether you require specialist support services and whether these services are available in a regional area (e.g. torture and trauma counselling).

Pathway requirement for SHEVs

To meet the pathway requirement, for a total of 42 months (3.5 years) out of the period that you hold the SHEV, you must have:

- worked¹ in a designated regional area without receiving certain social security benefits; or
- been enrolled in full-time study² at an education institutional in a designated regional area; or
- been involved in a combination of the above work and study.

If you are part of a family unit, only one member of your family may need to satisfy these requirements. You will only be able to apply for another visa (other than a TPV or SHEV) if you meet the criteria or the person in your family who met the criteria is also applying for that other visa. What is regarded as your family unit may change if you have children over 18, or in a relationship. You should seek legal advice about satisfying the SHEV criteria in these circumstances.

If you meet the pathway requirements, you will be allowed to apply for certain other types of work, student or family visas. A list of which visas you can apply for can be found [here](#). To be granted one of these visas, you must meet the relevant criteria for those. The Department of Home Affairs has information about [work visas](#), [student visas](#) and [family visas](#) on its website.

In which regional areas can I work or study to meet the SHEV pathway requirement?

You must work or study in a *designated* regional area. **Currently, these areas are specified by postcode.** A full list of postcodes is available on the Department of Home Affairs' website: <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/safe-haven-enterprise-790/safe-haven-enterprise-visa-regional-area>

Broadly the areas are:

- All of the ACT, Northern Territory, South Australia and Tasmania
- NSW excluding Sydney, Newcastle and Wollongong;
- Queensland excluding Brisbane & the Gold Coast;
- Some Southern and Western parts of Victoria excluding Melbourne
- Western Australia excluding Perth, Pilbara and Goldfields-Esperance regions

Which Centrelink benefits can I receive and still meet the SHEV Pathway Requirements?

If you receive Special Benefit payments, you cannot count the time receiving these towards meeting the 42 month SHEV Pathway requirements. More information on what you can receive is on the Department's [website](#).

Can I get help finding a job in a regional area?

You can get help from JobActive, which is the same assistance as Australian Citizens. The Department of Home Affairs has some information on this on its [website](#). Some other information about the type of work available in regional areas in NSW can be found on the Refugee Council of Australia's [website](#).

If I own a business, does this count as work for the SHEV Pathway Requirements?

Yes. The Department considers the self-employed SHEV holders to meet the SHEV Pathway Requirements if you are:

¹ Working means performing work for payment.

² You must study at a primary school, secondary school, or an educational institution that is authorised to issue AQF qualifications, in a course leading to the award of an AQF qualification of Level 1 or higher. You cannot complete the course wholly by distance or online.

- the owner of a retail business that sells goods
- the owner of a retail business that sells a service or
- a self-employed trades person who provides a service

More information on what type of work counts and what evidence you need can be found [here](#).

If I study, how much will it cost?

Children under 18 are able to study at school. Adults aged 18 or over will be able to study under the Adult English Migrant Program (AMEP) but will not be entitled to other Commonwealth-funded subsidies for study. Study under the AMEP does not count towards the 42 months of the SHEV Pathway requirements.

I am working or studying in a regional area now but I don't yet have a SHEV. Can I count this time towards satisfying the SHEV pathway requirement?

No. You can only count time spent working or studying in a regional area while you hold a SHEV.

If I meet the SHEV pathway requirements, when could I apply for another visa?

You could apply for another visa as soon as you have completed the required period of regional work or study (42 months). You would not have to wait until the end of the SHEV before applying.

What if I don't meet the pathway requirements to apply for another kind of visa at the end of my SHEV?

If you don't satisfy the regional work or study requirements at the end of your SHEV, then you will not be able to apply for another visa without permission of the Minister, and the Minister can decide which type of visa you can apply for. The Department of Home Affairs says that you will only be able to apply for another TPV or SHEV. If you have made a genuine effort to satisfy the pathway requirements, then you may be granted permission to apply for another SHEV. However, if you have not attempted to work or study in a regional area, you may only be allowed to apply for a TPV.

What happens if I am granted a SHEV and don't move to a regional area?

Living in a regional area is not a condition of your SHEV and your SHEV cannot be cancelled on this basis. However, failure to do this when you expressed an intention of doing this in your SHEV application could affect whether the Minister gives you permission to apply for another SHEV in the future.

I am in a relationship with an Australian citizen or permanent resident. Can we get married?

You can get married in Australia. However, in order to remain in Australia permanently, you would need to apply for and be granted a permanent Partner visa. If you hold a SHEV, and you meet the regional work or study requirements, then you would be able to apply for a Partner visa. If you do not meet the requirements, or you do not hold a SHEV, and you arrived in Australia by boat, then it is likely that you would be barred from applying for a Partner visa.

I have a child who attends school. Can we go to a regional area on a SHEV?

If you are in a family, only one member of the family unit needs to meet the pathway requirements (a family unit generally includes a partner (married or de facto) and dependent children). For example, if you have a child under 18, and you move to a specified regional area, and your child attends the local school for a minimum of 3.5 years, the whole family unit could meet the SHEV pathway requirements, even if the family receives Centrelink benefits.

Reapplying for another TPV/ SHEV or other visa

You **must** apply for another visa before your current TPV or SHEV expires. If you do not lodge the application before your current visa expires you will not be able to lodge an application unless the Minister intervenes in your case. If your visa expires you will then be unlawful and may be subject to detention. You should start making arrangements to apply for your new visa about 6 months before your current visa expires. If you are re-applying for a TPV or SHEV you can use the [Form 1505](#) or apply online through [ImmiAccount](#). We suggest you seek legal advice before making this application. You need to check the letter sent to you by the Department of Home Affairs after you submit your application to make sure your visa application has been found to be valid. If you are unsure please seek legal advice urgently.

If I reapply for another TPV/ SHEV, when does my old visa expire?

If you make a valid application a subsequent TPV or SHEV before your current TPV or SHEV expires, whatever visa you hold when you made a new application will continue to be in effect until a decision is made on the new application. For example, if you were granted a TPV in June 2023 and applied for a SHEV in April 2027 before your TPV expired, your TPV will continue to be in effect until a decision is made on your SHEV application. In this example, your TPV would only end either when you are granted a SHEV or 35 days after a final decision is made not to grant the SHEV, 5here5eing merits review at the IAA or AAT. You will continue to have all the rights on the TPV or SHEV until this time. Your VEVO check will say "Indefinite" next to 5heree it says "Period of stay". If it does not say this, you should seek legal assistance as soon as possible.

Can I travel overseas after I have reapplied for another TPV/SHEV?

You may be able to travel if you have the correct permission to travel and enter Australia but you also need to be in Australia for the processing of your new visa application and for your visa to be granted. It can be difficult to plan travel overseas for this reason and you may not be able to return to Australia if you do not have the correct permission and do not plan your travel. More information about travelling overseas is available on the Department of Immigration website [here](#) and [here](#).

If you intend to travel overseas during this period, we strongly suggest you seek legal advice about if you should travel and how to make travel arrangements.

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, RACS offers the following service options:

Service	Day	Time	Address/Number
Client Line	Monday to Friday	11AM to 1PM and 2PM to 4PM	(02) 8355 7227 or admin@racs.org.au
Auburn Drop-in	Wednesday	Register in person from 10 AM to 12 PM	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 in October 2024.