

## Permanent Visas for the TPV / SHEV Cohort

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).

On 14 February 2023 the law changed allowing all holders of a TPV or a SHEV to be eligible for a Permanent Visa to remain in Australia. The visa they are eligible for is called a Resolution of Status Visa (Subclass 851) (RoS Visa).

This information applies to you if you arrived in Australia before 14 February 2023 and you held or applied for a TPV or SHEV before 14 February 2023.

Please note all conditions on your TPV and SHEV remain in effect until you are granted a RoS Visa.

### 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 RoS Visa.

You will not be required to have your protection claims reassessed to be granted a RoS Visa, however, the grant of the visa will be subject to relevant character, health, and security checks.

#### 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 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 permanent RoS 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 Visa. It is important you seek urgent legal advice about your particular circumstances.

#### 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 your TPV or SHEV application has been **refused**

If your TPV/SHEV application has been refused 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 RoS Visa. 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 an RoS Visa.

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.

## I am still waiting for my permanent visa

If you applied through ImmiAccount we recommend you check that there are no outstanding requests for information from the Department of Immigration and that they have your correct contact details.

If you applied through paper forms you can complete a [change of address form](#) if your address has changed to make sure you are receiving correspondence.

Other than ensuring the Department have your correct contact details, and that there are no outstanding requests, you may just need to wait until your application is processed.

## I need to travel while waiting for my permanent visa

A RoS cannot be granted while you are outside Australia. As such, if you leave Australia, this could delay the grant of your permanent residency. We recommend you wait until you have your permanent residency first, and apply for a travel document if you don't have one so you are ready to go once your grant comes through.

If you have to travel, you should do three things first:

### 1. Seek permission

If you hold a TPV or a SHEV you must also seek permission to travel. This can be done by completing

The [form 1454](#) to seek permission needs to be completed then emailed to:

[travel.request@homeaffairs.gov.au](mailto:travel.request@homeaffairs.gov.au)

### 2. Tell the Department processing your RoS

If you lodged your application through ImmiAccount, you can complete a "Notification of changes in circumstances":

<p>Menu</p> <ul style="list-style-type: none"><li>Application home</li><li>Messages</li><li><b>Update details</b></li><li>Bridging visa</li></ul>	<p><b>Update details</b> ⓘ</p> <p>You can provide updated information to the department using the links below.</p> <ul style="list-style-type: none"><li><a href="#">Change of address details</a></li><li><a href="#">Change of email address details</a></li><li><a href="#">Change of migration agent, legal practitioner or authorised recipient</a></li><li><a href="#">Notification of changes in circumstances</a></li><li><a href="#">Notification of incorrect answer(s)</a></li></ul>
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You can also tell the Department by emailing them at: [ros.processing@homeaffairs.gov.au](mailto:ros.processing@homeaffairs.gov.au). You should quote any of the following details about yourself which you are aware of in your email to them. You should be able to find these on any letter from the Department to you under “in reply please quote”

Your name:

Your date of birth:

Client ID:

File number:

### 3. You would need to have a convention travel document in order to travel.

If you don't have one already, you need to apply for one. The only way to get an application is to call 131232 and select option zero to be connected with an operator. They will arrange for you to get an application form for a convention travel document. After you have completed the form, you then call that same number to make an appointment at a capital city passport office.

## Resolution of Status Visa (851)

### Travelling Overseas

When you are granted a RoS Visa, you will be allowed to remain in Australia permanently *but* you will only be allowed to travel into and out of Australia for 5 years.

If you wish to travel outside Australia more than 5 years after the grant of your permanent visa - and you are not an Australian citizen - you will need to apply for a Resident Return Visa (Subclass 155). This is a relatively quick and easy process but it is important to remember to do this *before* you leave to minimise difficulty returning to Australia.

If you are an Australian citizen by this time, you do not need to apply for a Resident Return Visa.

There are other restrictions on where you can travel and the documents you can use that are explained below.

If you want to travel overseas once you are granted a Permanent Visa, you will need the following documents as a minimum:

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

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 your home country i.e. 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 you will be given 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 a RoS Visa, travelling to your home country may be an indication you no longer need protection which is the reason for 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.

As a permanent visa holder you may now be eligible to sponsor family members through Australia's Family Stream Visa program. There may also be some limited options through Australia's Offshore Humanitarian program.

In either the Humanitarian program or the Family stream, it is generally much easier to sponsor **immediate family members** (for example your husband, wife, children) than it is to sponsor other relatives such as parents, brothers, sisters, uncles, aunts or cousins.

Both these streams involve a complex application process and people applying need to meet 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 Reunion 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 RoS Visa you may be eligible to apply for Australian citizenship after one year. 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. See our fact sheet 'How to apply for Australian citizenship', or contact RACS as per the below.

## Getting Help from RACS

RACS is entirely independent of the Department of Home Affairs. All assistance is free.

Service	Day	Time	Address/Number
<b>Telephone Advice</b> <b>(including Family Reunion)</b>	Monday to Friday	11AM to 1PM and 2PM to 4PM	(02) 8355 7227 or <a href="mailto:admin@racs.org.au">admin@racs.org.au</a>
<b>Auburn Drop-in</b>	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 in October 2023.

## Looking for help outside of NSW?

- **Victoria**

**Refugee Legal**

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

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

**Asylum Seeker Resource Centre (ASRC)**

Phone: (03) 9252 2534 | Email: [legalcasework@ASRC.ORG.AU](mailto: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](mailto:admin@rails.org.au) | Website: [www.rails.org.au](http://www.rails.org.au)

- **Western Australia**

**Circle Green Community Legal**

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

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

- **Tasmania**

**The Tasmanian Refugee Legal Service (TRLS).**

Phone: (03) 6169 9473 | Email: [info@rlstas.com](mailto:info@rlstas.com) | Website: [www.rlstas.com](http://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.*