TEMPORARY PROTECTION VISAS

A cornerstone of the new Coalition Government’s asylum policy is a return to the use of Temporary Protection Visas (TPVs),¹ a policy which previously applied from 1999 to 2008. From the Coalition’s pre-election announcements, the new Government will adopt a similar TPV framework to that of the Howard Government.² The Coalition has indicated that the TPV will be the only visa for which asylum seekers who have arrived by boat will be eligible if they are found to be in need of refugee protection. The duration of each TPV will be determined on a case-by-case basis, depending on circumstances in the country of origin but no individual visa will exceed three years in duration. Refugees will be able to apply again for temporary protection when a TPV expires but each case will be assessed again, with the decision based on the merits of the case at that time. If it is deemed that the situation has improved and that continuing protection is not required, the applicant would be required to return to the country of origin. Where it is deemed that the risk of persecution continues, a new TPV would be issued, again for a period of up to three years. Permanent protection visas will not be provided to a TPV holder within the first five years of the first TPV being issued and any decision to grant permanent protection could be done only through the non-compellable intervention power of the Minister.

TPVs will be issued with work rights and access to Medicare and other benefits. Work rights may be restricted to specific geographic regions. Benefits paid to TPV holders unable to find work will be set at the discretion of government, will not exceed equivalent Centrelink payments and will be subject to a mandatory mutual obligation scheme like “Work for the Dole”. TPV holders will not be entitled automatically to access settlement services or support, with the Minister given discretion, by exception, to grant access to this support. While on a TPV, refugees will be denied permanent residency, the right to apply for citizenship or access to family reunion under any program. If a TPV holder chooses to leave Australia, he or she will be barred from returning. The main provisions are summarised in Table 1.

Table 1: Comparison of likely provisions for holders of Temporary and Permanent Protection Visas

<table>
<thead>
<tr>
<th></th>
<th>Temporary Protection Visa</th>
<th>Permanent Protection Visa</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Visa provision</strong></td>
<td>TPVs issued for periods of up to three years. TPV holders may apply again when the visa expires.</td>
<td>Immediate permanent residency</td>
</tr>
<tr>
<td><strong>Income assistance</strong></td>
<td>Eligible for benefits set at Minister’s discretion; may have mutual obligation restrictions</td>
<td>Access to full range of social security benefits</td>
</tr>
<tr>
<td><strong>Settlement support</strong></td>
<td>Access to services and support unclear.</td>
<td>Access to full range of settlement support services</td>
</tr>
<tr>
<td><strong>Work rights/ Employment</strong></td>
<td>Permission to work but possible restriction based on geographic restrictions. Ability to find employment impeded by temporary status</td>
<td>Permission to work and access to all employment services</td>
</tr>
<tr>
<td><strong>Health care</strong></td>
<td>Eligible for a temporary Medicare card</td>
<td>Full access to Medicare</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td>Education access and fee requirements unclear.</td>
<td>Same access to education any other permanent resident; some additional supports available based on need</td>
</tr>
<tr>
<td><strong>Language training</strong></td>
<td>Eligibility for English language education unclear.</td>
<td>510 hours of English Language education</td>
</tr>
<tr>
<td><strong>Family Reunion</strong></td>
<td>No rights to family reunion</td>
<td>Can apply to sponsor immediate family members (spouse and children)</td>
</tr>
<tr>
<td><strong>Overseas travel</strong></td>
<td>No right of return; TPV forfeited upon leaving Australia</td>
<td>Can leave and re-enter Australia</td>
</tr>
</tbody>
</table>

Both broad and in-depth research has shown that the restrictive nature of the TPV policy had a decidedly harmful impact on refugees on TPVs and placed a heavy burden on the community groups and services trying to support them. The most prominent issues raised by the research are outlined below:

**TPVs do not allow refugees to access the full range of services that are necessary for their successful settlement** - Limited entitlements for and access to essential services (e.g. accommodation, food, household goods, finances, language training, employment and healthcare) prevent refugees from actively participating in the Australian community and condemn them to a life of dependence.

**Temporary status promotes feelings of uncertainty and insecurity and tensions within communities** - The constant threat associated with the re-evaluation of refugee status makes settlement intrinsically difficult for TPV holders. The added politically constructed class divide between “onshore” and “offshore” refugees, compounds this issue as it creates tensions between ethnic communities.

**Denial of family reunion and travel rights is punitive and causes negative psychological effects** - TPV holders have expressed concerns that restrictions on travel and family reunion are particularly designed as punishment. Studies have shown this distress was a leading cause of psychological problems among TPV holders.

**TPV restrictions compound psychological strains of past trauma** - Restrictions to healthcare, English training, accommodation and family reunion cause additional psychiatric issues that multiply the effects of prior suffering.

**TPV holders struggle to come to terms with their limited entitlements** - The helplessness that many TPV holders feel restricts their ability to seek assistance from alternative sources.

**Ethnic communities are over-burdened by the high demand for assistance from TPV holders** - Due to the inadequate provision of federal services, refugees often turn for assistance to their ethnic communities, who are ill equipped to respond to their complex needs.

**Federal funding restrictions shift costs and burdens to state and community services** - TPV holders are forced to seek assistance from providers that are under resourced and under skilled.

**Negative discourse surrounding boat arrivals misrepresents Australian attitudes and hinders refugee settlement** - The Australian community’s reception towards refugees contradicts media representations of hostility. Despite media demonisation of “illegal”, “queue-jumping” arrivals, community networks and cultural initiatives appear key to the successful integration of refugees.

---

6 Statistics from Department of Immigration and Citizenship in response to question on notice from Budget Estimates Hearing, 21-22 May 2012 (BE12/0265)
BACKGROUND READING AND RESEARCH ABOUT TPVs


This paper examines the lives of TPV holders in Western Sydney. It highlights the impact of living with an unlimited duration of visa and the challenges they face in settling into the community. The study identifies the psychological experiences of TPV holders and the ways in which they navigate their situation. The research suggests that TPVs are a form of punishment rather than protection, despite their design.

Centre for Peace and Conflict Studies (CPCS) 2003, *‘Go Away: Punished Not Protected: Temporary Protection Visa Holders’ Powerlessness, Federal Politicians’ Indifference’*

This study examines the attitudes of politicians regarding the effects of the TPV on refugee settlement. It aims to demonstrate how the policy, which is designed for protection, in fact acts as a form of punishment.


This paper examines the psychological experiences and survival strategies of TPV holders, who were attending an Early Intervention Program in New South Whales. Fernandes analyses the findings and effectiveness of the program.


Humpage and Marston critically examine the concept of ‘belonging’ for refugees on TPVs and how the process of settlement is facilitated via community networks. They link the political context of the TP policy with public discourse that contests the ability and right of refugees to belong. This paper aims to demonstrate, that despite the negative stigmatisation of TPV holders, it is possible to facilitate a sense of belonging at a local level.


This book contextualises individual refugee narratives within historical and political environment of their home countries. It analyses the psychological experience of TPV holders: their lives in their own countries; their journey to Australia; their experience of detention; and their psychological impacts of life on a TPV and their reactions to stigmatising media discourse.


This study investigates the impacts of the TPV on refugees, service providers and the community in Queensland. It gives to limitations imposed by the Federal government, despite the Queensland state government’s attempt to offer equal access to services for refugees on both temporary and permanent protection visas.


This paper identifies the core issues faced by TPV holders in Victoria, especially the obstacles they find as they transition into the community. It examines the impacts of the TP policy on community organisations and service providers. These barriers are studied, and an overview is provided of core issues faced by TPV holders, their transition into the community and their immediate social and cultural needs. Mansouri makes attempts to extend research past existing studies related to these issues.


This study investigates the intrinsic psychological impact of the TPV policy on refugees, focusing on how living with an unlimited temporary status affects the settlement process.


This article examines the damage inflicted by the TP policy upon the livelihood of refugees, the community organisation, and services provided. It provides an overview of the TP policy and its implications, mapping out the issues faced by TPV holders, their transition into the community and their immediate social and cultural needs. McMaster makes no attempt to extend research past existing studies related to these issues.


This paper adds a valuable discussion to the field of existing research, by comparing the mental health of TPV holders and refugees, who have been granted a permanent protection visa (PPV). They aim to highlight TPV policy as a compounding agent on negative psychological experiences of trauma and detention.

Pickering, S, Gard, M, & Richardson, R 2003, *‘We’re working with people here*: The impact of the TPV regime on refugee settlement service provision in NSW*, *Charles Sturt and Monash Universities*.

This study aims to determine how settlement service providers have responded to the TPV policy. It examines the perspectives of service providers to identify how the policy, firstly compounds settlement issues for refugees and, secondly impacts their own practice and negotiation of outcomes for themselves and their clients.


This paper gives retrospective analysis into the experience of settlement for Afghani refugees on TPVs in the rural South Australian town, Murray Bridge. The study examines the conflict between humanitarian and sovereign right, as expressed by the Australian government, media and citizens, to the arrival of ‘boat people’ between 1998 and 2002. It discusses the paradox of the generosity and hospitality towards refugees within the Murray Bridge community despite their demonization by government, media and public discourse.