

MIGRATION PATHWAYS FOR SHEV HOLDERS



Do you have a Safe Haven Enterprise Visa (SHEV)? If you do, your SHEV lets you stay in Australia for five (5) years. Before the expiry of your SHEV, you will need to reapply for another visa if you wish to remain in Australia. This factsheet tells you what other visas you can apply for.

This document contains general information only and not legal or migration advice. You should seek advice from a registered migration agent or lawyer if any of the information in this document applies to you.

Conditions of your SHEV and risk of cancellation

When your SHEV is granted you should check the numbers on the visa grant letter which are called 'conditions'. For most people, there will be two (2) conditions on the SHEV including:

- **8565** – this means you must tell the Department of Immigration and Border Protection (Department) if you change your address. You must tell them within 28 days after you change your address. You need to call 1300 728 662 with your name, date of birth, boat identification number, new address and contact phone number.
- **8570** – which means you must not travel back to the country which you sought protection from and you must ask permission from the Department before travelling to any other country outside Australia.

Your SHEV can be cancelled by the Department for a number of reasons. This includes:

- if you receive a criminal charge or conviction / court order
- if the Department receives information that you provided false, misleading or incorrect information in your SHEV application
- if you return to the country of persecution, or travel overseas, without first obtaining authorisation from the Department
- if you breach a condition of your visa.

You should seek legal advice if you believe any of the above situations apply to you.

Before your SHEV ends

Your SHEV will expire five (5) years after the date it was granted. To stay in Australia after this, you should apply for another visa before your SHEV ends.

You can apply for another SHEV or a Temporary Protection Visa (TPV). To be granted either of these visas you must satisfy the Department that you continue to be owed protection under Australia's migration laws. Just because you were granted one SHEV does not mean that the Department will automatically grant you another SHEV or TPV. You should get advice from a registered migration agent or lawyer before applying.

Can I get another kind of visa?

You may be able to apply for a number of other visas (outlined below) if you or a member of your family who was included on your SHEV application, have, for at least 42 months (3 ½ years) in the five (5) years you have had your SHEV, either:

- been studying full-time in 'regional Australia' OR
- been working in 'regional Australia' AND have not received certain payments by the Government.

These are called the 'pathway requirements'. You do not need to do these things to have a SHEV. You only need to do them so you may be able to apply for a visa other than a SHEV or a TPV.

Where is 'regional Australia'?

'Regional Australia' means any place listed by the Department on this website:

<https://www.border.gov.au/Trav/Refu/Illegal-maritime-arrivals/applying-protection-visa/regional-australia>.

Studying

You, or a member of your family, can be studying full-time at a primary or secondary school. For example, if you have a child, if that child is enrolled at school for at least 3.5 years in a 'regional area', all of you can apply for another kind of visa.

You, or a member of your family, can also study full-time in adult education (for example, through vocational education or at a university) and you must study a course that it is at the AQF level 1 or above. You cannot do the course completely online or by distance. The place you study must be registered by the Australian Government. You can find out if it is registered by looking at the following websites:

- if the place provides practical (vocational) training, through the National Register of VET (<http://training.gov.au/home/tga>) OR
- If it is a university, on the National Register of Higher Education Providers (<http://www.teqsa.gov.au/national-register>).

Working

If you are working, you should make sure you have enough evidence to prove that you have worked and been paid for your work. This could include employment contracts, letters of service, payslips and evidence of payment of wages into your bank account. Being paid into your bank account is far better than being paid in cash for the purpose of proving your employment.

The work can be casual, part time or full time work. To meet the SHEV pathway requirements, you must also not be getting certain types of payments from the government at the same time (including Special Benefit).

You can write your study and work history down in a Form 1465 which is available on the internet: <https://www.border.gov.au/Forms/Documents/1465.pdf>. This will help you keep track of your work and study for when you want to prove that you have met the Pathway Requirements to apply for a new visa.

What other types of visas can I get?

Even if you meet the SHEV pathway requirements, you can only get another visa if you meet all the requirements for that visa. This table lists the types of visas you might be able to get, and what you would need to do to get them.

| Visa Subclass | Summary of requirements | Temporary or Permanent? |
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| Temporary Employer Sponsored Visa | <ul style="list-style-type: none"> This visa category is currently under review with the Australian Government and is likely to change later in 2017. Please seek advice about this visa type from a registered migration agent or lawyer for the most up-to-date information. In summary, this visa requires you to be sponsored by an employer to work in an occupation on either the Short-Term Skilled Occupation List (STSOL) or the Medium to Long-Term Skilled Occupation List (MLTSOL). You must have the appropriate skills and qualifications to work in your sponsored occupation and you may be required to have two (2) years work experience as well as the relevant qualifications. This visa requires you to have an IELTS score at least five (5) in each band (or the equivalent in another English test). | <p>Temporary visa for either two (2) or four (4) years.</p> <p>Sponsorship for an occupation in the STSOL will give you a two (2) year temporary visa.</p> <p>Sponsorship for an occupation in the MLTSOL will give you up to four (4) years on a visa.</p> <p>You may have options to then be sponsored for a permanent visa if you have worked for your employer for two (2) years and they wish to offer you further employment.</p> |
| 820/801 Partner Visa | <ul style="list-style-type: none"> If you are in a relationship with an Australian citizen or permanent resident (or certain eligible New Zealand citizens) they may be able to sponsor you. | Temporary visa. |

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| | <ul style="list-style-type: none"> You must either be married or in a de facto relationship, which usually means living together for at least 12 months. There are no English language requirements for this visa. | <p>If you and your partner are still in a relationship two (2) years after the date of application, you may become eligible for a permanent visa (subclass 801).</p> <p>If you are in a long-term partner relationship, you may be granted the permanent visa more quickly.</p> |
| 500 Student Visa | <ul style="list-style-type: none"> You must be enrolled in a course of study. You must show that you have access to enough funds to support your stay including the cost of the course and approximately \$20,000AUD in living costs (more if other family members are included). You must show that you have a genuine intention to study. English requirements vary depending on your course of study. | Temporary visa that is granted for the period of study. |
| 187 Regional Sponsored Migration Scheme | <ul style="list-style-type: none"> Requires you to be sponsored by an employer in a regional area in an occupation you are qualified for with a skill level of 1–3. There are various requirements and obligations that the business must meet including paying you the market rate, showing there is a genuine need for your position and more. Requires an English language score of six (6) in each band in an IELTS test (or the equivalent in another English Test). | <p>Permanent visa.</p> <p>It is a condition of your visa that you remain working in this position full time for a period of two (2) years.</p> |

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| 189/190/489 Skilled Independent, Skilled Nominated, Skilled Regional (Provisional) | <ul style="list-style-type: none"> • If you have a qualification or employment experience in a skilled occupation you may be able to apply for a skilled visa. • You require a minimum English language score of six (6) in each band in an IELTS test (or equivalent in another English Test). • A minimum of 60 points in the 'Points test' (some in-demand occupations may require higher points scores). | <p>The 189 and 190 visa are permanent. The 489 visa is a temporary visa for four years that requires you to live, work, and study in specified regional areas of Australia. The 489 visa may lead to a permanent visa if you can show you have lived in a regional area for two (2) years and worked full-time in a regional area for one (1) year.</p> |
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Please note that significant visa application charges are payable when seeking the above visas, and the above is not a complete list of the criteria, conditions or requirements relevant to the above visas. You should seek advice from a registered migration agent or lawyer as soon as possible if you wish to look at taking steps towards becoming eligible for the above, or any other visas.

Sponsoring Family Members

SHEV holders cannot sponsor your family members for migration to Australia.

If you become a permanent resident of Australia, you can sponsor your family members (partner, children, orphan relatives and, in some cases, parents) to join you permanently in Australia.

However, at this time there is a government rule (Ministerial Direction 72) that means that if you came to Australia by boat and are not a citizen, any applications you make to sponsor your family will be considered lowest priority by the Department. This means that, if you came by boat and are not a citizen, it is very unlikely your family's application will be processed at all.

You may be able to include your family members outside Australia on temporary visas such as a subclass 457, 485 or 489 visas or permanent visa such as skilled visa applications. You should get advice from a registered migration agent or lawyer if you want to apply for any of these visas.