

# FACT SHEET: TPV/SHEV CONVERSION TO A PERMANENT VISA

## THIS FACT SHEET IS RELEVANT TO YOU IF:

1. You currently hold a TPV or SHEV and **have applied** for another (subsequent) TPV or SHEV that has not been decided; or
2. You currently hold a TPV or SHEV and **you have not applied** for another (subsequent) TPV or SHEV; or
3. You previously held a TPV or SHEV and **missed your visa expiry date** to apply for another (subsequent) TPV or SHEV; or
4. You applied for an initial TPV or SHEV and the application is **still** being processed by the Department of Home Affairs (**Home Affairs**); and
5. You are in Western Australia.

**The laws have changed and the Australian Government has announced that TPV and SHEV holders are now eligible to apply for permanent residency to remain in Australia.**

TPV and SHEV holders can apply for permanent residency by applying for a Resolution of Status (subclass 851) visa (**RoS**). The RoS visa will provide a permanent resolution to the status of those who arrived in Australia before 14 February 2023, who have sought protection and for those who receive a positive protection assessment.

Circle Green Community Legal (**Circle Green**) provides **free** legal advice and support to TPV and SHEV holders in Western Australia transitioning to permanent residency.

## ABOUT THE RESOLUTION OF STATUS VISA (SUBCLASS 851)

### *What is the Resolution of Status Visa?*

The RoS visa is a permanent visa. This means that when you are granted this visa you become a permanent resident of Australia and can stay in Australia indefinitely.

### *What can you do with the Resolution of Status Visa?*

Once you have been granted the RoS visa you will be able to:

- live, work and study in Australia permanently;
- access additional support and government services such as Medicare, Centrelink, counselling and English language classes;

- sponsor eligible family members for permanent residence through the **family visa stream** of the Migration Program. You are **not** eligible to be a proposer under the Humanitarian Settlement Program (**HSP**) or Community Support Program (**CSP**);
- travel outside Australia without seeking permission from the Minister; and
- apply to become an Australian citizen when eligible.

## HOW TO APPLY FOR A RESOLUTION OF STATUS VISA

When and how a TPV or SHEV holder can apply for a RoS visa is dependent on which group (cohort) you are in. Please carefully read the information below to find out how you can apply for a RoS visa and the next steps that you need to take.

### **If you hold a TPV or SHEV and have applied for a subsequent TPV or SHEV before 14 February 2023**

If you currently hold a TPV or SHEV and have an ongoing application for a subsequent TPV or SHEV which was lodged **before 14 February 2023**, you **do not** need to lodge a separate application to apply for a RoS visa.

Your application for a subsequent TPV or SHEV will be converted into an application for a permanent RoS visa. Home Affairs will process your application and if you are found to meet the criteria for the RoS visa, you will be granted a RoS visa.

### **If you hold a TPV or SHEV and do not have an ongoing subsequent TPV or SHEV application lodged with the Department of Home Affairs**

If you hold a TPV or SHEV and have not yet lodged your application for a subsequent TPV or SHEV application, **you will need to make an application for a RoS visa.**

If your visa expires between 14 February 2023 and mid-April 2023 you may have received letters and calls from Home Affairs inviting you to apply for a RoS visa. If your current TPV or SHEV expiry date is soon, please contact our office immediately for legal advice and assistance. It is important to lodge your RoS visa **before** your current TPV or SHEV expires. **Do not apply for another TPV or SHEV.**

The RoS visa application will be available on ImmiAccount from **18 March 2023**. If you need legal assistance and help to lodge your application, Circle Green can provide you with free legal advice and support to lodge your RoS visa application.

### **If you previously held a TPV or SHEV that has expired**

People who previously held a TPV or SHEV but do not have an ongoing application for a subsequent TPV or SHEV because you missed your expiry date, you will be eligible to make an application for a RoS visa from **18 March 2023** via ImmiAccount. The application will also be an application for a

bridging visa E so you are lawful whilst your application is processed. **If your TPV or SHEV has expired, you should seek urgent legal advice.**

**PLEASE NOTE:** If you do not hold a TPV or SHEV because it was cancelled, you are not eligible to apply for a RoS visa.

**If you applied for a TPV or SHEV before 14 February 2023 and the Department of Home Affairs is still processing your application**

If you have lodged a TPV or SHEV application with Home Affairs but have not received a decision, you will not need to apply for a RoS visa. Your application for a TPV or SHEV will continue to be processed. If you are found to meet the criteria for the TPV or SHEV, including that Australia has protection obligations towards you, a permanent RoS visa rather than a temporary protection visa will be granted instead.

**PLEASE NOTE: As a TPV or SHEV holder, you are still required to comply with your visa conditions until your RoS visa has been granted.**

**WHAT IF MY TPV OR SHEV HAS BEEN REFUSED/CANCELLED AND I HAVE APPEALED THE DECISION?**

If you have been refused a TPV or SHEV and your matter is at the Immigration Assessment Authority (IAA), the Administrative Appeals Tribunal (AAT) or you have sought judicial review for your visa refusal in the Australian Courts, **you should not withdraw your appeal.**

If you are successful in your appeal, your application is remitted to Home Affairs and it is determined that you are owed protection and you would otherwise meet the criteria for a TPV or SHEV, you will be granted a permanent RoS visa.

If you are unsuccessful in your appeal, you are not eligible to be granted a RoS visa.

If you held a TPV or SHEV and it has been cancelled by Home Affairs for any reason, **this cancellation remains in effect**. This means that there is no change to your legal status or process, and it is strongly recommended that you seek urgent legal advice about your circumstances.

**WHERE TO GET HELP IN WESTERN AUSTRALIA**

Circle Green provides **free** legal advice and support to TPV and SHEV holders in Western Australia transitioning to permanent residency. We will also be hosting ongoing information sessions on TPV/SHEV conversion to a permanent visa at the Asylum Seeker Hub.

We strongly recommend that TPV/SHEV holders seek legal advice about their visa matters as soon as possible and register for an information session to keep up to date with news regarding the TPV/SHEV conversion to a permanent visa.

You can speak with us at the Circle Green Community Legal - Asylum Seeker Hub every Tuesday at 2:00pm at Riverview Community Service, 1 Thorogood Street, BURSWOOD WA 6100.

Alternatively, you can contact us on (08) 6148 3636 or [humanitarian@circlegreen.org.au](mailto:humanitarian@circlegreen.org.au) or visit us at our office at 445 Hay Street, Perth WA 6000. Our walk-in hours and telephone line are open from 9:30am – 3:30pm, Monday to Thursday.

#### WHAT IF I AM NOT IN WESTERN AUSTRALIA?

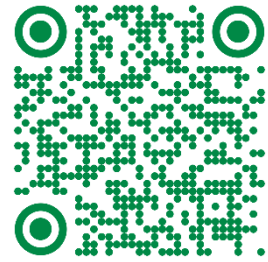
If you are not located in Western Australia, we encourage you to contact the legal service provider listed within your state or territory for more information and support.

STATE	SERVICE PROVIDER	CONTACT DETAILS
NSW	Refugee and Casework Support ( <b>RACS</b> )	(02) 8317 6505 <a href="http://www.racs.org.au">www.racs.org.au</a>
	Immigration Advice and Rights Centre ( <b>IARC</b> ) on referral from RACS NSW	<a href="http://www.iarc.org.au">www.iarc.org.au</a>
VIC	Refugee Legal	(03) 9413 0101 <a href="http://www.refugeelegal.org.au">www.refugeelegal.org.au</a>
QLD	Refugee and Immigration Legal Services ( <b>RAILS</b> )	(07) 3846 9300 <a href="http://www.rails.org.au">www.rails.org.au</a>
TAS	Tasmanian Refugee Legal Service ( <b>TRLS</b> )	(03) 6169 9473 <a href="http://www.trls.org.au">www.trls.org.au</a>
SA	Legal Services Commission	<a href="http://www.lsc.sa.gov.au">www.lsc.sa.gov.au</a>
ACT	Legal Aid	<a href="http://www.legalaidact.org.au">www.legalaidact.org.au</a>
NT	Legal Aid	<a href="http://www.legalaid.nt.gov.au">www.legalaid.nt.gov.au</a>

### IMPORTANT INFORMATION

To register for an information session please [CLICK HERE](#) or scan the QR Code and complete the form.

Remember only a lawyer or a registered migration agent can provide legal advice about migration matters.



**This fact sheet was published in April 2023.**

**Please note:** This fact sheet only contains general information. It is not legal advice and should not be relied on as a substitute for legal advice. You may wish to seek advice from a lawyer regarding your own particular circumstances. We are not responsible for any consequences arising from your use of, or reliance on, the information contained in this fact sheet. Further information about our disclaimer and your use of this fact sheet can be found here: <https://circlegreen.org.au/disclaimer/>.