

FREQUENTLY ASKED QUESTIONS: TPV/SHEV CONVERSION TO A PERMANENT VISA

This information sheet provides answers to frequently asked questions about the Resolution of Status (subclass 851) visa (RoS) and the process of applying for the RoS visa for Temporary Protection Visa (TPV) and Safe Haven Enterprise Visa (SHEV) holders.

THIS FREQUENTLY ASKED QUESTIONS 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.

WHAT DO YOU NEED TO KNOW?

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.

HOW CAN TPV OR SHEV HOLDERS APPLY FOR PERMANENT RESIDENCY IN AUSTRALIA?

TPV and SHEV holders can apply for permanent residency by applying for a Resolution of Status (Subclass 851) visa.

WHAT IS THE RESOLUTION OF STATUS (SUBCLASS 851) VISA?

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.

The RoS visa is a permanent visa. This means that when you are granted this visa you become a permanent resident of Australia.

WHAT CAN YOU DO WHEN YOU HAVE BEEN GRANTED A 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 CAN I APPLY FOR A RESOLUTION OF STATUS VISA?

The process of applying for a RoS visa may be different for everyone. When and how a TPV or SHEV holder can apply for a RoS visa is dependent on which group (cohort) you are in.

Visit our website and carefully read our factsheet for more information about the RoS visa eligibility criteria for those holding and for those who have applied for a TPV or SHEV, how you can apply for a RoS visa and how you can access free legal advice and support.

IF I AM GRANTED A ROS, WHEN DO I BECOME A PERMANENT RESIDENT OF AUSTRALIA?

You become a permanent resident of Australia the day you are granted the RoS visa.

HOW LONG CAN I STAY IN AUSTRALIA IF I HAVE BEEN GRANTED A ROS?

The RoS visa is a permanent visa and it allows you to stay in Australia indefinitely.

WHAT ARE THE RESOLUTION OF STATUS VISA REQUIREMENTS?

To be granted a RoS visa, you must;

- fall into one of the eligible cohorts outlined in our factsheet;
- if you are in the cohort that requires a RoS application to be lodged, validly lodge your RoS visa application online via ImmiAccount unless invited by Home Affairs to apply by using a paper application form;
- meet health, character and security requirements;
 - **Health:** it is most likely that you will not be required to have a new medical examination. However, if you have spent time outside Australia in certain countries you may be required to complete a medical examination;
 - **Character and security:** you will not be required to submit an Australian Police Certificate as Home Affairs will conduct their own checks. However, if you have pending court matters or have been convicted of any criminal offences, they must be declared on your application. If you have lodged your application and are charged with an offence, you will

need to declare this as new information on your application. If you have any concerns about the character criteria, we recommend you seek legal advice; and

- sign the Australian Values Statement.

It is important to note that you must first be found to have met the requirements for the TPV or SHEV before you are eligible to apply for the RoS visa.

WILL THE DEPARTMENT OF HOME AFFAIRS NEED TO RE-ASSESS MY PROTECTION CLAIMS FOR THE RESOLUTION OF STATUS VISA?

No. Before the announcement, to be granted another TPV or SHEV, it was necessary to continue to meet the criteria of being a refugee or complementary protection to be granted another TPV or SHEV. However for a RoS visa your claims will not be re-assessed.

I WAS GRANTED MY VISA BECAUSE I WAS A FAMILY MEMBER OF SOMEONE ELSE WHO MADE A PROTECTION CLAIM. I AM NO LONGER A MEMBER OF THE FAMILY, WILL I BE ELIGIBLE FOR A ROS VISA?

Yes. If you were granted a TPV or SHEV due to being a member of a family and did not make your own claim for protection and you are no longer a member of that family, you are still eligible to be granted a RoS visa if you meet the criteria for a RoS visa.

HOW MUCH DOES IT COST TO APPLY FOR A RESOLUTION OF STATUS VISA?

There is no fee for the RoS visa application.

CAN I APPLY FOR THE RESOLUTION OF STATUS VISA OUTSIDE OF AUSTRALIA?

No. You must be in Australia when you apply for the visa.

DO I NEED TO BE IN AUSTRALIA TO RECEIVE A ROS VISA GRANT?

Yes. A RoS visa applicant must be in Australia to be granted the RoS visa.

AM I ALLOWED TO TRAVEL WHILE I WAIT FOR A DECISION ON MY ROS VISA APPLICATION?

It is important to note that until you are granted a RoS visa you are required to follow the conditions on your current visa regarding travel.

HOW LONG WILL IT TAKE TO PROCESS MY APPLICATION?

Home Affairs have started processing RoS visa applications already. They expect to finalise most applications within 12 months.

ONCE I AM GRANTED A ROS VISA, CAN I TRAVEL OUTSIDE AUSTRALIA?

Yes, there is no travel condition (condition 8570) which can be attached to a RoS visa. This means once it is granted you can travel in and out of Australia without seeking permission from the Minister and

needing to give reasons for travelling. Your RoS visa will allow you to travel for 5 years, after this you will need a Resident Return visa to re-enter Australia. The time you spend outside Australia may affect when you are eligible to become an Australian citizen.

Whilst the RoS visa does not have a travel condition, we do not recommend travelling to the country you sought protection from. If you are considering doing so, you should seek legal advice before travelling.

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.

CAN I SPONSOR FAMILY MEMBERS?

If you are successful in being granted a RoS visa you will be eligible to sponsor certain family members. We strongly recommend that you seek legal advice before lodging any applications with Home Affairs. You are **not** eligible to be a proposer under the Humanitarian Settlement Program (**HSP**) or Community Support Program (**CSP**).

WHERE CAN I GET LEGAL ADVICE AND SUPPORT IN WESTERN AUSTRALIA?

Circle Green Community Legal (**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. To register for our information sessions please scan the QR code at the end of this FAQs.

We strongly recommend that you seek legal advice about your visa matter 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 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.

WHERE CAN I GET HELP OUTSIDE OF WESTERN AUSTRALIA?

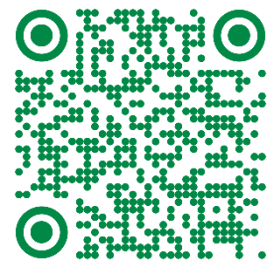
If you are not located in Western Australia, we encourage you to contact the legal service provider listed within your state or territory for more information and support.

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

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 information was published in April 2023.

Please note: This information 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 resource. Further information about our disclaimer and your use of this factsheet can be found here: <https://circlegreen.org.au/disclaimer/>.