

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 19 November 2013**

**IMMIGRATION AND BORDER PROTECTION PORTFOLIO**

**(SE13/0395) PROGRAMME – 2.1: Refugee and Humanitarian Assistance**

Senator Carr (Written) asked:

What other information has been provided by the Department to asylum seekers to advise of the changes to the refugee status determination process?

*Answer:*

Asylum seekers were notified of the re-introduction to Temporary Protection visas (TPVs) through normal Departmental communication processes.

Departmental officers used communication guides and printed products to explain the implications of the re-introduction of TPVs.

For asylum seekers in immigration detention, material that was provided in English was explained with the assistance of an interpreter. A translated fact sheet (see attached) was provided to people in detention and to IMAs in the community on bridging visas via contracted service providers.



## Temporary protection visas

### Information for people who arrive illegally by boat or plane intending to seek Australia's protection

The Australian Government reintroduced temporary protection visas on 18 October 2013 for people who arrive by boat or plane without a valid visa and who are found to be refugees or in need of Australia's protection. People seeking protection who come to Australia illegally can only apply for a temporary protection visa, not a permanent visa.

#### Who are temporary protection visas for?

People who arrived illegally by boat or plane without a valid visa, have already applied for a protection visa or are waiting to apply **and** are:

- found to be a refugee or in need of Australia's protection, and
- have satisfied all other requirements for a visa grant, including health, character and security.

#### How can I apply?

If you arrived in Australia by boat or plane without a valid visa intending to seek Australia's protection and have not yet lodged a protection visa application, you need to make a temporary protection visa application when advised to do so. Once you have lodged a valid visa application, you will go through the protection assessment process.

Bridging visa holders **must** make sure the immigration department has your current phone number and address details. This will help in contacting you about your application.

#### When can I apply?

If you arrived by boat, you will be contacted by the immigration department who will tell you when you can apply. If you arrived by plane you can make an application at any time.

#### How long before I have a protection assessment interview?

The immigration department will tell you when and where your interview will be.

#### When will I get a decision?

It may take some time before you receive a decision about your application.

The minister has said that the first priority for processing protection claims will be given to people who entered Australia with a valid visa or who were immigration cleared on arrival.

You can help the immigration department process your case as quickly as possible by providing any genuine and original documents proving your identity, like your passport or birth certificate.

If you are not found to be a refugee or in need of Australia's protection, you are expected to leave Australia.

#### How long is a temporary protection visa valid for?

This is a temporary visa, valid for up to three years. Your visa may be for a shorter amount of time as your circumstances are assessed on a case-by-case basis.

## What happens when my visa expires?

If you still need Australia's protection, you will need to apply for another temporary protection visa, before your visa expires. Your circumstances will be reassessed to determine whether you still need protection.

Those found to still need Australia's protection will be granted another temporary protection visa. As you arrived illegally you cannot apply for a permanent visa. Those found not to need Australia's protection after this reassessment, are expected to leave Australia.

## What conditions do I need to follow?

If you are granted a temporary protection visa, you **must** follow these conditions. You:

- must not under any circumstance engage or participate in criminal conduct or activities
- must tell the department if you move and change address within 14 days of moving.

Note also that you cannot apply for any other visa other than another temporary protection visa.

## Can I work on a temporary protection visa?

Yes, but there may be some conditions. Check your visa grant letter for more information.

## Can I get any support on a temporary protection visa?

You will have access to Australia's healthcare, Medicare, and some limited support services.

## Can I bring my family from overseas to Australia on a temporary protection visa?

No. If you hold a temporary protection visa, you cannot bring family members through the Australian Humanitarian or Family Migration Programmes. If your family needs to seek protection they should apply through the United Nations refugee agency.

## Can I go overseas?

Yes but if you leave Australia, your visa will cease and you will not be permitted to re-enter Australia.

## Can I still apply for a permanent protection visa?

No. The Australian Government has stopped granting permanent protection visas to anyone who arrived illegally by boat or plane.

## I have already applied for a permanent protection visa. What does this mean for me?

If you have applied for a permanent protection visa before 18 October 2013 and it has not been finalised, your existing application will be taken to be a temporary protection visa application.

## I arrived after 19 July 2013. Can I apply for this visa instead of being transferred to a regional processing country?

No. You cannot apply for or be granted a temporary protection visa to come to Australia. Everyone arriving illegally by boat after 19 July 2013 is liable for transfer to a regional processing country.

## What are the Australian values I need to understand to live in the community?

Australian society values equal opportunity for everyone, regardless of their gender, race, religion or ethnic background. We do not tolerate people who use words to abuse or threaten others, or who make sexual comments. Any unacceptable and uninvited physical contact can be reported to the police. It does not matter if you did not know, were intoxicated or made a mistake.

You are responsible for your own actions and need to abide by Australian values and laws at all times.

## Can I go home?

Yes. You may be eligible for assistance for return support through the International Organization for Migration. For more information phone **1300 116 986** or visit [www.iomaustralia.org](http://www.iomaustralia.org)