



## SHEV and TPV Protection Visas

### When can you get a SHEV or TPV?

Asylum seekers who arrive in Australia without a visa (boat arrivals) must apply to the Department of Home Affairs (DHA) if they want protection. **IF** you can prove that the government owes you protection **AND** you pass health, character and security checks, then you can get temporary protection - a Safe Haven Enterprise Visa (SHEV) or Temporary Protection Visa (TPV).

An asylum seeker who has arrived without a visa and does not put in a SHEV or TPV application is likely to be detained and be made to leave Australia.

### How are SHEVs and TPVs different?

	TPV	SHEV
How long visa lasts	Up to 3 years	Up to 5 years
Can reapply for a protection visa - TPV or SHEV	Yes	Yes
Can apply for some other (SHEV Pathway) visas	No	Yes
Able to access work rights, Centrelink, Medicare, job seeker assistance, and short-term counselling	Yes	Yes
Children (under 18) can attend school	Yes	Yes
People 18+ can access Adult Migration English Program	Yes	Yes
Commonwealth-funded subsidies for other study	No	No
Allowed to bring family members to Australia	No	No
Allowed to visit home country and return	No	No
Allowed to other countries and return – ONLY with written permission from Minister BEFORE you leave	Yes	Yes
Citizenship	No	No
Must notify DHA-of change of address within 28 days	Yes	Yes

### How do I decide between a TPV or a SHEV?

Boat arrival asylum seekers must apply for a TPV or SHEV. It is your decision as to which visa to apply for. You should think about whether:

- you or your family will be able to find work or study in a regional area
- you would prefer your protection claims to be re-assessed in 3 years or 5 years
- you will be able to afford the fees to study in a regional area
- you are likely to meet the requirements for work, student or family visas in 5 years
- you need support services and if they are available in a regional area.

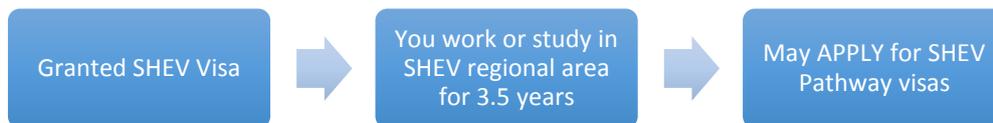
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## What happens at the end of the SHEV/TPV period?

Just before the 3-year TPV or 5-year SHEV periods expire you will be able to apply for another TPV or SHEV. If you prove you are still owed protection you can get a second TPV or SHEV visa.

## The 'SHEV Pathway' to other visas

If you have a SHEV, and you or a family member on your SHEV application complete 3.5 years of work or study in a regional area, then you may be able to apply for some work, student or family visas.



During that 3.5 years, you or a family member must have been:

- employed in a SHEV regional area (full-time, part-time, temporary, casual, or seasonal) and not received Centrelink Special Benefit payments; **OR**
- enrolled and physically attending full-time study in regional Australia; **OR** involved in a combination of the above work and study.

You can make the application as soon as the 3.5 years has been completed. You can make up the 3.5 years work/study over different SHEVs. For example, you may only do 2 years of work on your first SHEV and 1.5 years of study on a second SHEV to make up the 3.5 years. You should keep a record of your work and study on DHA [Form 1465](#).

## 'SHEV regional areas



To apply for 'SHEV Pathway visas' you have to either live in the postcode area **OR** at least travel to the area for work or study.

Most of Queensland is a SHEV area except for Brisbane and Gold Coast city areas.

You must ALWAYS CHECK the [Department website](#) for the postcodes as these areas may have changed.

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## What are my chances of getting a pathway visa?

If you apply for one of the family, study or work visas after the 3.5 years, it does not automatically mean you will get the visa. All these visas are hard to get and have expensive application fees.

You should get advice from experienced migration agents/lawyers about these visas because they have many rules. The government sometimes changes the rules for these visas and may make it either harder or easier for SHEV holders to get permanent residence. It's not clear if the rules will be changed in the future.

DHA also has information on its website about family, study or work visas.

## What if I don't complete the SHEV pathway?

If you don't complete the SHEV pathway within the 5 year visa period then the Department might give you permission to apply for another SHEV if you can show that you or your family have made real effort to satisfy the work/study pathway. But if you have not attempted to work or study in a regional area you might only be able to apply for a TPV.

If you are granted a SHEV and don't move to a regional area, your SHEV cannot be cancelled.

## Can I change from a TPV to a SHEV?

If you have already applied for a TPV and no decision has been made, you can change to a SHEV application. You need to send a letter to the Department withdrawing your TPV application and include a Form 790 SHEV application with all the same information about why you are a refugee plus any new information. You should get advice from a migration agent/lawyer first.

If you already have been assessed and granted a TPV and want to apply for a SHEV, you must fill in a [Form 1505](#) 'Application for a subsequent Temporary Protection Visa or Safe Haven Enterprise Visa'. Your refugee claim will be assessed again by the Department and your TPV will continue while you wait for a decision.

If the Department decide you are still owed protection you will get a SHEV. But if they decide your situation has changed and you no longer need protection then your SHEV application will fail and you will no longer be a refugee. So **it is important to get advice from a migration agent/lawyer first.**

If you do get a SHEV then the 3.5 year 'SHEV pathway' period only starts when you get the SHEV.

*This Fact Sheet is legal information, not legal advice.  
See a registered migration agent/lawyer for specific advice.  
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