

14 February 2023

Asylum seekers finally free from limbo

The Law Council of Australia welcomes yesterday's announcement that the Commonwealth Government will provide a permanent visa pathway for existing Temporary Protection Visa (TPV) and Safe Haven Enterprise Visa (SHEV) holders.

"All people on these visas have been found to invoke Australia's protection obligations," Law Council of Australia President, Mr Luke Murphy said.

"Yet the services and supports refugees holding these visas are able to access are limited and different to those provided to refugees on permanent humanitarian visas. Further, they cannot seek to have family members resettled in Australia, adding to the intersectional disadvantage already experienced by asylum seekers.

"A person's temporary visa status causes instability and limits his or her ability to plan for the future or to build deeper connections and foundations in Australia. The ongoing uncertainty they face once offered protection, has been shown to affect asylum seekers mental health.

The Law Council also supports the repeal of the Ministerial Direction No. 80 by the Hon Andrew Giles MP, the Minister for Immigration, Citizenship and Multicultural Affairs. Ministerial Direction No. 80 required decision-makers to process family visa applications sponsored by permanent protection visa holders who arrived by boat as the last processing priority.

The temporary protection scheme and Direction No. 80 each penalised an historical cohort of asylum seekers who arrived by boat, subjecting them to a perpetual state of disadvantage.

The Law Council of Australia has long advocated for the replacement of temporary protection visas with durable, permanent protections, consistent with Australia's international protection obligations. A permanent visa, and the availability of family reunion, will provide for improved settlement outcomes for affected refugees and a pathway to Australian citizenship.

The Law Council understands the pathway to permanent residency will require a visa application to be lodged by many affected TPV and SHEV holders. To that end, it warmly welcomes the \$9.4 million in funding which will provide TPV and SHEV holders with application assistance through specialist legal service providers.

Contact: Kristen Connell, P. 0400 054 227, E. kristen@talkforcemedia.com.au