

Briefing paper: Temporary Protection Visas

Introductory Statement

Asylum seekers, particularly those who arrive by boat, are quite intentionally excluded at every opportunity. Unfortunately, the slow processing of applications generally has become a feature of the Department of Immigration and Border Protection under this Government. Such slow processing contributes to the trauma many asylum seekers and refugees experience and makes the resettlement process more difficult. Social Workers note that many of their clients among the asylum seeker population suffer depression, anxiety and post-traumatic stress. Their condition is exacerbated by their continuing chronic uncertainty about their situation.

Temporary Bridging Visas and Temporary Protection Visas

As of 2016, there were over 28,000 asylum seekers who had arrived by sea and who were in Australia on temporary bridging visas (E type). These visas, valid for anywhere between 28 days and 3 years are renewable and will be in use until the asylum seeker undergoes refugee status determination. For some people this has been their situation since 2011. Processing for permanent protection visas was halted in 2012 under the “no advantage” policy for those asylum seekers already in Australia that was coupled with sending new boat arrivals for off-shore processing.¹ Permanent protection visas had put refugees on a pathway to citizenship and entitled them to benefits accorded to other Australians.

In 2014, a temporary protection visa (TPV) and a visa scheme for rural areas (SHEV) was introduced for those found to be refugees, after lengthy negotiations in parliament and opposition from both Labor and the Greens. A temporary protection visa is valid for three years and after that time it must be reviewed. It does not entitle the holder to permanent residency or eventual citizenship. Nor does it allow the holder to bring family to Australia. The Minister has said that it may take a decade to process all of the outstanding applications.²

The AASW upholds the 1951 Convention on Refugees and notes that article 34 calls on Contracting States to facilitate the assimilation and naturalization of refugees. The AASW urges that the permanent protection visa be re-introduced for those deemed to be refugees. The AASW also notes that the TPV application forms are long (40 pages) and complex,

¹ Janet Phillips, (2014). A Comparison of Coalition and Labor government asylum policies in Australian since 2001. Parliamentary Library. Available at <http://goo.gl/lmbQ9x>

² Ben Doherty and Abdul Karim Hekmat, (13 April, 2016). Life and Death on a Bridging Visa. The Guardian. Available at <http://goo.gl/Q2AM7q>

particularly for an asylum seeker whose first language is not English. These forms are the basis for DIBP determining whether the applicant has a valid claim for refugee status. A general assistance scheme (IAAAS) that helped all asylum seekers prepare their refugee claims has been replaced by a much more limited scheme (PAIS). Already the Victorian government supplements this arrangement.

The AASW believes that current government policies at times both infringe basic human rights and interfere with the ability of social workers to offer appropriate professional assistance. In particular there are three areas that need to be urgently addressed.

These are:

- The reintroduction of permanent protection visas for those deemed to be refugees.
- Faster processing of refugee applications
- The reinstatement of the IAAAS that helped all asylum seekers prepare their claims for refugee status

The Social Work Profession

The Australian Association of Social Workers (AASW) is the professional body representing more than 10,000 professional social workers throughout Australia.

Principles of social justice, human rights, collective responsibility and respect for diversity are central to the profession and are underpinned by theories of social work, social sciences, humanities and indigenous knowledge.