

# FACT SHEET



## **Safe Haven Enterprise Visa (SHEV) subclass 790**

In September 2014 the federal government announced the introduction of a new form of temporary visa, the Safe Haven Enterprise Visa (SHEV). SHEVs, along with Temporary Protection Visas (TPV), are available to those who arrived by boat or air without formal immigration clearance before 1 January 2014. The bulk of the applicants form the 'asylum legacy caseload' consisting of approximately 30,000 asylum seekers that arrived on or after 13 August 2012 and before 1 January 2014. Additionally, people who have lodged a permanent Protection Visa (PV) application prior to 13 August 2012 which has not been finalised may instead be invited to apply for a SHEV or TPV.

If an asylum seeker is found to engage Australia's protection obligations and meets character and medical requirements they can choose to apply for a SHEV. If a SHEV holder engages in work or study full-time, or a combination of both, in an approved regional area of Australia whilst accessing minimal income support for a period of 42 months (3.5 years) during the five (5) years, they may be eligible to apply for other types of visas. It is important to note that SHEV holders do not have to be employed or studying in a designated regional area. This is only a requirement if they go on to apply for other types of visas. Only 2 states have opted-in to the SHEV scheme to date; New South Wales (NSW), with the exclusion of Newcastle and Wollongong, and all of Tasmania.

An important distinction between SHEVs and TPVs are the options available to visa holders once the visa has expired. If a SHEV holder meets certain requirements of the visa they may be able to apply for non-refugee visas such as a partner, family, temporary work/ employer sponsored or student visa, but not a permanent PV. It is due to this that SHEVs have been referred to as a 'pathway to permanent protection'. However the requirements for these visa categories are very high and it may be difficult for humanitarian entrants to pass the eligibility criteria.

### **What's happening with SHEVs?**

SHEVs became available on 1 July 2015 for asylum seekers who engage Australia's protection obligations and who may be willing to work or study in designated areas in Australia. The Department of Immigration and Border Protection (DIBP) has been inviting asylum seekers to apply for protection visas in the order they have arrived, however most of these applications have been for TPVs suggesting there may be a lack of awareness or understanding of SHEVs. There are few known cases of SHEV applicants at this stage and of those successful, where they intend to settle is unknown. DIBP has published further information regarding SHEVs in July 2015 and it is possible that applicants remain confused about the visas or are discouraged from the visa requirements. Despite the possible preparedness of humanitarian entrants to move to regional areas, lack of social support and limited access to torture and trauma counselling may be factors impeding their decision.

Tasmania has no record of any SHEV holders to date, although there are approximately 70 known eligible asylum seekers living in the state. Tasmania is also home to a number of unaccompanied minors who may wish to pursue further education; however as the SHEV scheme does not provide support for fees associated with education, this has prompted stakeholders to explore opportunities for fee-subsidiary arrangements and potential partnerships with education institutions.

### **What's the potential impact on settlement services?**

SHEV holders are excluded from accessing support services through Humanitarian Settlement Services (HSS) and Settlement Grants (SG) providers. They are permitted limited access to Complex Case Support (CCS) services. It is a concern that designated regional and rural areas where people on SHEVs can live and work generally have fewer support services than metropolitan areas. SHEV holders are prohibited from accessing some of the services that CCS services link clients with, raising concern for the extent of support available to these visa holders. SHEV holders may also find it particularly challenging to relocate to rural and regional areas with very limited access to settlement services. Furthermore, without access to education fee-subsidies, it will be difficult for those wishing to pursue education to raise the money to cover the associated costs. Without these provisions it is possible that the existing CCS providers may experience a substantial increase in requests for assistance should there be a large uptake of the SHEV scheme.

The introduction of the SHEV scheme preceded the announcement of the additional Syrian and Iraqi intake of 12,000 refugees, causing some confusion regarding who will be accessing the support services intended for SHEV holders. The Tasmanian state government when joining the SHEV program initially announced an arbitrary expectation of supporting up to 500 places for SHEV holders in the state, later announcing that this was to include places from the Syrian intake. These two groups have different needs and characteristics, and the people arriving as part of the additional Syrian intake will have access to services under HSS and SG whilst SHEV holders will not. While nationally settlement services must be prepared for an increased caseload associated with the Syrian intake, it is likely the same service providers will be dealing with requests for support from potential SHEV holders. The lack of certainty surrounding the number of SHEV holders settling in regional

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areas and the voluntary nature of the SHEV scheme will make preparation by service providers difficult, as it will be largely based on speculation.

Below is a summary of services that are available to SHEV holders.

## **What services are available to SHEV holders?**

- AMEP;
- Medicare;
- Minister approved income support payments:
  - Special benefits, rent assistance, family and maternity allowance. If you receive the Special Benefit payments - or ancillary payments - whilst working this will not count towards the SHEV pathway requirements;
  - For a list of income support SHEV holders may receive and still meet the pathway requirements, see [here](#);
- Limited access to:
  - Free Translating Service – for 2 years;
  - Free Interpreting Service;
  - Complex Case Support;
- Assistance finding employment – through JobActive; and
- English tuition.

## **What is not available?**

- Overseas travel – SHEV holders must apply to travel overseas to DIBP, demonstrating compelling circumstances to justify this travel. They are prohibited from travelling to the country where they have sought asylum from; and
- Family sponsorship – SHEV holders cannot sponsor family members for a visa through the Australian Humanitarian or Family Migration Programmes.

## **What potential issues could there be with the national rollout of SHEVs?**

### **Funding and resourcing for SHEV implementation:**

Very little detailed information has been provided by the federal government regarding the national implementation of the SHEV scheme, leaving it to states and territories to opt-in and negotiate the implementation of SHEVs. It is concerning that the federal government has not announced funding for a Commonwealth roll out of the scheme, nor a commitment of resources to support the states and territories with implementation. Some states have raised the concern that they are not adequately resourced to manage the settlement of refugees and humanitarian entrants in regional and rural areas, and will require additional resources to develop culturally appropriate support services if they are to assist with employment and education in these areas. Without adequate resourcing to upscale support to SHEV holders in these regions, there is a risk of provoking tensions in some communities, leading to a heightened chance of social isolation and destitution as this cohort is likely to lack suitable support.

### **Underutilisation of SHEV scheme:**

Currently only two states have opted-in to the SHEV scheme, and so far both have had difficulty attracting people to apply despite the potential for positive impacts in regional areas. There is an apparent lack of awareness of SHEVs which may be due to the complexity of the program. Furthermore the capacity for resettlement of each state and territory, and experience in this area will differ for each state and territory, and there is unlikely to be a unified national approach to facilitating the implementation of SHEVs.

### **Other issues of concern:**

The federal government has made clear that SHEVs will not be an easy pathway to permanent residency. The adverse mental health impacts of temporary visas such as TPVs have been well documented, and it can be expected that the uncertain nature of the SHEV will lead to similar negative mental health impacts on SHEV visa holders.

In addition, SHEV holders are not permitted to sponsor family members under any program and will not have the opportunity to travel, except under certain circumstances, leaving little recourse for family reunion. The adverse impact of separation from family is also well-documented.

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*Please note that the information contained in this fact sheet is not intended as legal advice and SCOA strongly recommends that people seek legal advice from a registered migration agent before making decisions about their visa status.*