

# Refugee Legal:

## IMPORTANT INFORMATION ABOUT CHANGES FOR SOME ASYLUM SEEKERS AND REFUGEES TRANSFERRED TO AUSTRALIA FROM NAURU AND PNG

The Australian Government has recently begun granting a Final Departure Bridging Visa E (BVE) to some refugees and asylum seekers who were transferred to Australia from Nauru and Papua New Guinea (PNG). Most of these people have been living in 'community detention'.

### What are the changes?

The main changes are the:

- grant of a BVE on 'departure grounds' generally for 6 months; and
- removal of access to government-funded income support, accommodation and torture/trauma counselling; and
- removal of study rights for those who are 18 years and over at time of grant.

### What is a BVE?

BVEs allow people to live lawfully in the community. Although the Government has decided to call these BVEs 'final departure' visas, under Australian law these visas do not require the visa holder to leave Australia at the end of the visa period.

### Do these BVEs require return to Nauru, PNG or the home country?

These BVEs do not require people to leave Australia. This means that people granted these BVEs do not have to return to Nauru, PNG or their home country. If the person has asked to be resettled in the US, this BVE does not change that request. Processing for resettlement to the US can continue.

### Key rights of the BVE

A holder of the BVE can: work; access Medicare; study if under 18; and live anywhere in Australia.

### Key Conditions of the BVE

A holder of the BVE must: tell the Department at least two working days before changing address; comply with Australian laws; and comply with the Australian Government's Code of Behaviour.

### What happens if BVE conditions are breached?

If any condition of the BVE (including the *Code of Behaviour*) is breached, there is a risk of the BVE being cancelled and the person being re-detained. If the BVE is cancelled, the person has two working days only to appeal to the Administrative Appeals Tribunal. Urgent legal advice should be sought.

### Can someone refuse to accept the BVE?

No. This BVE is granted personally by the Minister for Immigration and Border Protection without the person applying for it.

### High Court or other legal proceedings?

The grant of the BVE does not stop High Court or other legal proceedings. They will continue. Any undertakings given by the Government not to return people affected to Nauru or PNG will continue unchanged.

### What should people do?

If you need further advice please contact Refugee Legal for free legal assistance on (03) 9413 0101.

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**Refugee Legal:**  
Defending the rights  
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