

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

The Australian Government recently announced that some refugees and asylum seekers who have been transferred to Australia from Nauru and Papua New Guinea (PNG) will be granted a Bridging Visa E (BVE). Most of these people have been living in 'community detention'.

#### What are the changes?

The main changes are:

- the grant of a BVE, generally for 6 months; and
- the removal of access to government-funded income support, accommodation and torture/trauma counselling.

People affected must attend an appointment with an officer of the Department of Immigration and Border Protection (the Department) to be told about these changes. It is important that people seek legal advice before attending.

#### 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; 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; report to the Department every two weeks; comply with Australian laws; comply with the 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?

It is essential that all people who may be affected this change seek urgent legal assistance. For free legal assistance about any of these issues, contact [Refugee Legal](http://Refugee Legal) on (03) 9413 0101.