

IMPORTANT INFORMATION: CHANGES TO CONVERSION OF TPVs/SHEVs TO A PERMANENT VISA

The Federal Government has announced two key changes to the Resolution of Status visa (**RoS visa**) beginning from 19 October 2023. This information sheet explains:

- the key changes; and
- how to get essential and free legal help.

1. Changes to who is eligible for a permanent RoS visa

The law has changed to ensure that everyone the government intended to have access to a permanent RoS visa is now eligible. This means new categories of people can now apply for a RoS visa or have their existing Temporary Protection visa (**TPV**) /Safe Haven Enterprise visa (**SHEV**) application automatically converted to a RoS visa application.

Important: everyone who was already eligible for a RoS visa before these changes will remain eligible.

Who are the new groups now eligible?

- People who held a TPV/SHEV on 14 February 2023 but did not apply for a RoS visa before their visa expired can now apply for a RoS visa via ImmiAccount. We can help you to apply.
- People with an existing TPV/SHEV application (made before 14 February 2023) will automatically have that application converted to a RoS visa application, once they have met the criteria for a TPV/SHEV. Conversion to a RoS visa for people in these groups will happen automatically and you do not need to take any action. The groups this applies to are:
 - People applying for their first TPV/SHEV who do not have their own protection claims but are members of the family unit of those who do have their own protection claims;
 - People who did not hold a TPV/SHEV on 14 February 2023 but previously held a TPV/SHEV (that was not cancelled) before that date; and
 - People who applied for a TPV/SHEV which was finalised but they never held a TPV/SHEV.

2. New requirements in relation to identity for RoS visa applicants

The law has changed to introduce new requirements about a RoS visa applicant's identity.

What are the changes?

The Department of Home Affairs (**the Department**) can now ask RoS visa applicants to provide additional information about their identity. The Department has stated it might do this where:

- It wants to clarify identity information and correct any mistakes; or
- New information about an applicant's identity that was not previously known to the Department has become available and the Department believes identity is not clearly established.

If the Department has substantial concerns about identity, a person may still be granted a RoS visa if they:

- have family who hold a RoS visa; or
- meet the criteria for a protection visa; or
- have compelling or compassionate circumstances.

If the Department requires further information about a person's identity, it will provide them with an opportunity to respond. We can help you with this.

Who do these changes apply to?

- All people applying for a RoS visa; and
- All people whose TPV/SHEV application has been automatically converted to a RoS visa application.

However, the Department has said that it will only require further information about identity where it needs to clarify information about identity.

These changes do not apply to current RoS visa holders.

How to get legal help

It is essential to seek legal help if you are impacted by these changes. For free legal help in Victoria, South Australia and Northern Territory, contact Refugee Legal at:

- Refugee Legal TPV/SHEV Conversion Hotline - Monday to Friday 9.00am to 5.00pm on (03) 9413 0133
- Email: Rosvisa@refugeelegal.org.au | Website: www.refugeelegal.org.au

For free legal help in other states: <https://immi.homeaffairs.gov.au/Visa-subsite/files/english-ros-factsheet.pdf>