

What are TPVs?

The TPV (Temporary Protection Visa) is a class of visa that was introduced in Australia by the Howard Government in October 1999 and [abolished](#) by the Rudd Government in August 2008. Under the Howard Government's TPV regime, the class of visa granted to asylum seekers who were assessed to be refugees was dependent upon the individual's mode of entry into Australia. Those who had arrived in Australia with a visa – typically by plane – were eligible for a permanent Protection Visa (PV), allowing them to live permanently in Australia. However, those who had arrived in Australia without a visa – typically by boat – were eligible only for a TPV. The TPV was valid for three years, after which time the TPV recipient was required to re-apply for protection to remain in Australia.¹

Initially, the policy allowed TPV recipients to apply for a permanent PV at the point of re-application. However, following amendments to the TPV regime in 2001, this became much more difficult. TPV recipients who had spent seven days or more in a country where they could have sought and obtained protection en route to Australia were rendered ineligible for permanent PVs and could only apply for another TPV.² This was known as the '[seven day rule](#)'. This meant that most refugees who arrived by boat would remain indefinitely on a TPV.

Under the Howard Government's policy, refugees on TPVs were granted work rights but [denied other rights](#) that were available to refugees on permanent PVs, including the right to family reunion and the right to re-enter the country if they decided to leave Australia.³ They were also [denied a range of services](#) available to refugees on permanent PVs, including community support programs and English language tuition.⁴

Approximately [11,000 TPVs](#) were issued between 1999 and 2007, and approximately [90 per cent](#) of TPV holders eventually gained permanent visas.⁵

What is the Abbott Government's policy on TPVs?

On 18 October 2013, Abbott Government [reintroduced TPVs](#) under a [policy](#) similar to that which operated under the Howard Government.⁶ Asylum seekers who arrive by boat and are found to be refugees or in need of complementary protection would be eligible only for TPVs, not permanent PVs. Under the policy, the duration of TPVs was to be determined on a case-by-case basis, although no TPV would exceed three years in duration.⁷ If a person was still found to be in need of protection at the end of the three-year period, he or she could apply for a subsequent TPV.⁸

On 2 December 2013, the Senate disallowed the Migration Amendment (Temporary Protection Visas) Regulation 2013 under which TPVs had been re-introduced.⁹ During that intervening period, 22 TPVs had been issued.¹⁰ In commenting on the disallowance, Minister for Immigration, Scott Morrison, told ABC radio that the government would continue to refuse asylum seekers permanent visas, but did not state how this would be achieved.¹¹ On the same day, the Minister made a determination capping the number of protection visas for the 2013-2014 financial year at 1,650.¹² However, this determination was revoked on 20 December 2014, [days before a legal challenge](#) in the High Court of Australia.¹³

On 5 February 2014, the Abbott Government announced that asylum seekers found to be refugees or in need of complementary protection, who have arrived without a prior visa, may now be granted a Temporary (Humanitarian Concern) Visa (Sub-class 786).¹⁴ This was a pre-existing visa category customarily granted to holders of a temporary ‘Safe Haven’ visa (Sub-class 449) who needed to extend their stay in Australia in order to receive further trauma counselling or other medical services.¹⁵ Accordingly, people found to be in need of protection will first be invited to accept the 449 Humanitarian Stay (Temporary) Visa (‘Safe Haven’), which will then enable the Department of Immigration to grant them a Temporary (Humanitarian Concern) Visa. For more on this visa, see [our Temporary Humanitarian Concern Visas factsheet](#).

On 4 March 2014, the Minister [made a new determination](#) capping protection visas for the 2013-2014 year at 2,773.¹⁶ However, on 20 June 2014, the High Court of Australia ruled that these determinations were invalid, because the Act did not authorise the capping of protection visas.¹⁷ On 22 July 2014, the Minister granted permanent protection to the asylum seeker involved in the High Court challenge.¹⁸

The table below summarizes the key differences between the Temporary (Humanitarian Concern) Visa, the previous TPVs and permanent PVs under the government’s current policy.

	Temporary (Humanitarian Concern) Visa	Temporary Protection Visa	Permanent Protection Visa
Visa provision	Temporary (Humanitarian Concern) Visa issued for periods of up to three years; may be for a shorter period, as assessments made on a case-by-case basis. Holders will need to have their claims for further protection assessed before the visa expires, in order to obtain another temporary visa.	TPVs issued for periods of up to three years. TPV holders may apply again when the visa expires.	Immediate permanent residency.
Income assistance	Access to social security benefits (Centrelink).	Eligible for benefits set at Minister’s discretion; may have mutual obligation restrictions (e.g. ‘Work for the Dole’).	Access to a full range of social security benefits.
Settlement support	Access to job-matching and short-term counselling for torture or trauma.	Access to services and support unclear. The Minister has discretion to grant access to settlement services or support, but there is no entitlement to such support.	Access to full range of settlement support services.

Work rights/Employment	Permission to work.	Permission to work, but possible restriction based on geographic location. Ability to find employment impeded by temporary status.	Permission to work and access to all employment services.
Health care	Access to Medicare.	Eligible for a temporary Medicare card.	Same access to Medicare as any other permanent resident.
Education	Able to study, but details as to whether school students will have to pay domestic or international fees unclear (and depend on individual schools and state/territory policies). Adults may study but must pay enrolment fees for courses.	Education access and fee requirements unclear.	Same access to education as any other permanent resident; some additional supports available based on need.
Language training	Holders are able to complete any Department of Immigration and Border Protection-funded ESL programmes that they were already participating in at the time of being granted the visa.	Eligibility for English language education unclear.	510 hours of English language education.
Family reunion	No rights to family reunion.	No rights to family reunion.	Can apply to sponsor immediate family members (spouse and children).
Overseas travel	No right of return; 786 visa forfeited upon leaving Australia.	No right of return; TPV forfeited upon leaving Australia.	Can leave and re-enter Australia.

Sources: [Refugee Council of Australia](#) (2013); Department of Immigration and Border Protection, Temporary Humanitarian Concern Visa (Factsheet, February 2013); [Expert Panel on Asylum Seekers](#) (2012)

The rationale for the Coalition's policy is the same as that which underpinned the Howard Government's TPV regime: to [deter asylum seekers](#) from coming to Australia without a prior visa (unauthorised arrival by boat or by plane) by denying them rights that are available to asylum seekers who arrive in Australia by authorised means.¹⁹

What are the impacts of TPVs on refugees?

In 2006, the Senate Legal and Constitutional Affairs Committee, in its [Inquiry into the Administration and Operation of the Migration Act 1958 \(Cth\)](#), found there was 'no doubt' that the operation of the TPV regime had a 'considerable cost in terms of human suffering'.²⁰ By introducing the risk that refugees might be removed to the country where they had feared persecution, and by denying refugees the right to be reunited with their families, TPVs had detrimental effects on the mental health of refugees.²¹ These detrimental effects were compounded by limiting the entitlements of TPV holders to access accommodation, language training, health care and other essential services.²² Moreover, refugees who faced the prospect of 'rolling' TPVs were placed in a state of on-going legal [limbo](#).²³ A [study by mental health experts in 2006](#) found that refugees on TPVs experienced higher levels of anxiety, depression and post-traumatic stress disorder than refugees on permanent PVs, even though both groups of refugees had experienced similar levels of past trauma and persecution in their home countries.²⁴

The particular impacts of TPVs on children were [documented](#) in 2004 by the Australian Human Rights Commission, which found that the uncertainty created by TPVs detrimentally affected the mental health of children and their ability to fully participate in educational opportunities in Australia.²⁵ TPVs also had the effect of separating children from their parents and family for long, and potentially indefinite, periods of time.²⁶

In addition to the human costs of TPVs, the TPV regime was also bureaucratically inefficient. It required the [full reassessment](#) of an individual's protection claim from scratch at the expiration of the TPV.²⁷

Are TPVs consistent with international law?

Under international law, temporary protection is an [exceptional measure](#) that is generally only applied in situations of mass movements of asylum seekers, when individual refugee status determination is impracticable because of those large numbers.²⁸ Temporary protection is also used to grant protection to a broader class of individuals than those who are covered by the Refugee Convention, such as those fleeing armed conflict or other emergencies.²⁹ By contrast, the Australian TPV regime is used to grant protection to all asylum seekers who had been individually assessed to be Convention refugees, simply on the basis that they have arrived in Australia without a visa.

The Australian TPV regime has significant implications for Australia's compliance with international human rights law. By creating two classes of refugees – those who come to Australia by boat and those who come by authorized means – the TPV regime may constitute a breach of the right to non-discrimination.³⁰ Its explicitly punitive underpinning may also constitute a penalty in violation of article 31 of the Refugee Convention.³¹ Moreover, by denying refugees the ability to reunite with their families, the TPV regime may also infringe the right to family and the freedom from arbitrary interference with family life.³² It is possible that the cumulative impact of these factors, including on refugees' mental health, may constitute cruel, inhuman or degrading treatment in violation of Australia's obligation under article 7 of the ICCPR.³³

Do other countries use TPVs?

European Union

Under the European Union's [Qualification Directive](#), individuals found to be refugees are granted residence permits that are valid for at least three years and renewable.³⁴ Unlike in Australia, residence permits in the EU are also granted to family members of refugees, which are valid for less than three years and renewable.³⁵ The [UNHCR](#) has expressed its concern about these provisions, indicating that '[s]hort-term residence permits are detrimental to refugees' security and stability' and that 'provisions in the Qualification Directive on the duration of residence permits ... may not be conducive to integration'.³⁶

In practice, most States grant refugees permanent protection either upfront, or on renewal. They do not issue rolling temporary visas like the Australian approach.

Since 2011, under the EU's [amended Directive concerning the Status of Third-Country Nationals who are Long-Term Residents](#), refugees who have legally resided in a Member State for five years may claim a long-term residence permit.³⁷ A long-term residence permit is 'a permanent status that gives the holder a right to equal treatment with nationals in relation to the areas mentioned in the Directive, including access to employment, education, social security and social assistance.'³⁸

For instance, in Germany refugees are granted a residence permit valid for [three years](#), and if found to be in need of continued protection at the expiration of this period, are eligible for a settlement permit, which provides them with a permanent status.³⁹ Unlike the Australian TPV policy, refugees on a German residence permit are given the [same status as Germans within the social insurance system](#)⁴⁰ and have a [right to family reunion](#).⁴¹ In Denmark, refugees are granted a residence permit valid for seven years, and if found to be in need of continued protection at the expiration of this period, are eligible for permanent residency.⁴²

New Zealand

New Zealand has [recently passed laws](#) designed to address 'mass arrivals' of asylum seekers (that is, asylum seekers arriving in NZ in a group of 30 or more).⁴³ As part of the changes, asylum seekers who arrive in NZ as part of a 'mass arrival' and who are found to be refugees are to be granted [temporary visas](#) and to have their status reassessed after [three years](#) before they are eligible for permanent residence.⁴⁴ Under the changes, immediate family members may be sponsored only after residence has been granted, and extended family members are ineligible for sponsorship.⁴⁵ According to the Immigration Minister Michael Woodhouse:

'These policy changes are considered to be an important deterrent to a mass arrival. Asylum seekers may be less likely to endanger their lives by attempting to travel to New Zealand by sea if they know they must wait for three years and have their claim reassessed before they can apply for residence, and if they are unable to reunite with extended family members.'⁴⁶

United States

Asylum seekers who are found to be refugees in the US become eligible to apply for permanent residence after [one year](#) if they continue to be a refugee.⁴⁷ They may apply for [family reunion](#) upon being granted refugee status in the US.⁴⁸

Canada

Asylum seekers who are found to be refugees in Canada may apply for [permanent residence](#) upon being granted refugee status.⁴⁹

Do TPVs deter asylum seekers?

There is little evidence that TPVs have a deterrent effect. Indeed, after TPVs were introduced by the Howard Government, there was an [increase](#) in the numbers of women and children who arrived in Australia by boat. According to [personal accounts](#), this was because the TPV regime precluded family reunion.⁵⁰

The following tables, which provide a breakdown of boat arrivals by age and gender in the two years before and after the introduction of TPVs, show an increase in the number of women and children arriving in Australia after the introduction of TPVs.⁵¹

Arrival year/month	Total	Adult	Minor	Female	Male
11/1997	8	6	2	4	4
01/1998	52	40	12	16	36
02/1998	22	21	1	3	19
04/1998	6	6	0	0	6
05/1998	16	16	0	0	16
06/1998	10	10	0	0	10
07/1998	8	8	0	1	7
09/1998	12	12	0	0	12
11/1998	22	22	0	0	22
12/1998	52	51	1	10	42
01/1999	18	14	4	3	15
02/1999	63	63	0	0	63
03/1999	103	90	13	21	82
04/1999	91	90	1	4	87
05/1999	271	268	3	2	269
06/1999	279	262	17	12	267
07/1999	92	86	6	1	91
08/1999	286	257	29	26	260
09/1999	121	116	5	3	118
10/1999	421	387	34	22	399
Total	1953	1825	128	128	1825
% of total	100%	93%	7%	7%	93%

Number of boat arrivals by month, age group and gender, 2 years after TPV introduction (November 1999 to October 2001)					
Arrival year/ month	Total	Adult	Minor	Female	Male
11/1999	1248	1089	159	100	1148
12/1999	728	565	163	162	566
01/2000	279	243	36	23	256
02/2000	364	306	58	68	296
03/2000	261	204	57	49	212
04/2000	141	120	21	17	124
05/2000	83	67	16	16	67
06/2000	151	119	32	38	113
07/2000	89	84	5	1	88
08/2000	74	54	20	15	59
09/2000	227	169	58	55	172
10/2000	289	239	50	54	235
11/2000	237	196	41	38	199
12/2000	743	535	208	129	614
01/2001	332	245	87	58	274
03/2001	753	545	208	204	549
04/2001	561	448	113	88	473
05/2001	199	148	51	31	168
06/2001	633	455	178	149	484
08/2001	1645	1126	519	415	1230
09/2001	561	363	198	178	383
10/2001	619	436	183	153	466
Total	10217	7756	2461	2041	8176
% of total	100%	76%	24%	20%	80%

Source: [Senate Budget Estimates Hearing \(21–22 May 2012\)](#)

The ineffectiveness of TPVs is the very reason that they were abolished by the Rudd Government. As the [Immigration Department](#) explained, '[t]he evidence clearly shows TPVs did not have any deterrent effect. In fact, there was an increase in the number of women and children making dangerous journeys to Australia.'⁵²

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¹ During the operation of the TPV regime, these rules were laid down in *Migration Regulations 1994* (Cth), Schedule 2, Visa Subclass 785 – Temporary Protection.

² See *Migration Amendment (Excision from Migration Zone) (Consequential Provisions) Act 2001* (Cth); *Migration Regulations 1994* (Cth), Schedule 2, cl 866.215.

³ Janet Phillips, *Temporary Protection Visas* (Research Note No. 51, Parliamentary Library, 11 May 2004) <<http://www.aph.gov.au/binaries/library/pubs/rn/2003-04/04rn51.pdf>>.

⁴ *Ibid.*

⁵ Janet Phillips and Harriet Spinks, *Boat Arrivals in Australia since 1976* (Research Paper, Parliamentary Library, 23 July 2013) 18 <http://parlinfo.aph.gov.au/parlInfo/download/library/prspub/5P1X6/upload_binary/5P1X6.pdf;fileType=application/pdf#search=%22boat%20arrivals%20in%20Australia%20since%22>.

⁶ 'Coalition Promises Return of Temporary Protection Visas', *ABC News*, 16 August 2013 <<http://www.abc.net.au/news/2013-08-16/coalition-promises-return-of-temporary-protection/4893524>>. See *Migration Amendment (Temporary Protection Visas) Regulation 2013*, which commenced on 18 October 2013.

⁷ Liberal Party of Australia and National Party of Australia, *The Coalition's Policy to Clear Labor's 30,000 Border Failure Backlog* (August 2013) <<http://lpaweb-static.s3.amazonaws.com/Policies/ClearLabor30000BorderFailureBacklog.pdf>>.

⁸ *Ibid.* 4.

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- ⁹ Parliament of Australia, *Disallowance Alert 2013*
http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Regulations_and_Ordinances/Alerts
- ¹⁰ Refugee Advice and Casework Service, *The Introduction and Disallowance of Temporary Protection Visas* (Factsheet, December 2013) <http://www.racs.org.au/wp-content/uploads/RACS-FACT-SHEET-Introduction-and-Disallowance-of-Temporary-Protection-Visas-18-Dec-2013.pdf>.
- ¹¹ 'Temporary Protection Visas Disallowed by Senate', *ABC Radio*, 3 December 2013
<http://www.abc.net.au/news/2013-12-03/temporary-protection-visas-disallowed-by-senate/5130562>.
- ¹² Determination of Granting of Protection Class XA Visas in 2013/2014 Financial Year,
<http://www.comlaw.gov.au/Details/F2013L02038>; Katharine Murphy, 'Scott Morrison Retracts Protection Visas Cap after High Court Challenge' *The Guardian*, 20 December 2013
<http://www.theguardian.com/world/2013/dec/20/scott-morrison-retracts-protection-visas-cap-after-high-court-challenge>.
- ¹³ Revocation of IMMI 13/156 'Granting of Protection Class XA Visas in 2013/2014 Financial Year,
<http://www.comlaw.gov.au/Details/F2013L02163>.
- ¹⁴ Refugee Council of Australia, *Use of Temporary Humanitarian Concern Visas as an alternative to Temporary Protection Visas* (Factsheet, 6 February 2014).
- ¹⁵ Report of the Expert Panel on Asylum Seekers, *Attachment 4: Australia's Contribution to International Protection*, (August 2012), 88.
- ¹⁶ Determination of Granting of Protection Class XA Visas in 2013/2014 Financial Year,
<http://www.comlaw.gov.au/Details/F2014L00224>; Paul Farrell, 'Scott Morrison Brings Back Cap on Asylum-Seeker Protection Visas' *The Guardian*, 6 March 2014
<http://www.theguardian.com/world/2014/mar/06/scott-morrison-brings-back-cap-on-asylum-seeker-protection-visas>.
- ¹⁷ *Plaintiff M150 of 2013 v Minister for Immigration and Border Protection* [2014] HCA 25 (20 June 2014) <http://www.austlii.edu.au/au/cases/cth/HCA/2014/25.html>; *Plaintiff S297-2013 v Minister for Immigration and Border Protection* [2014] HCA 24 (20 June 2014)
<http://www.austlii.edu.au/au/cases/cth/HCA/2014/24.html>.
- ¹⁸ Michael Gordon, 'Scott Morrison Backflips and Grants Visa to Boy Who Arrived by Boat' *The Age*, 22 July 2014 <<http://www.theage.com.au/federal-politics/political-news/scott-morrison-backflips-and-grants-visa-to-boy-who-arrived-by-boat-20140721-3cbju.html>>.
- ¹⁹ Liberal Party of Australia and National Party of Australia, *The Coalition's Policy to Clear Labor's 30,000 Border Failure Backlog*, 4; 'Refugees to Be Denied Permanent Residency under Coalition Plan to "Determine Who Comes Here"', *ABC News*, 16 August 2013 <http://www.abc.net.au/news/2013-08-16/asylum-seekers-to-be-denied-residency-under-coalition/4890968>; Department of Immigration and Border Protection, *Temporary Humanitarian Concern Visa* (January 2014).
- ²⁰ Senate Legal and Constitutional Affairs Committee, *Inquiry into the Administration and Operation of the Migration Act 1958 (Cth)*, 2 March 2006, [8.33]
<http://www.aph.gov.au/parliamentary_business/committees/senate_committees?url=legcon_ctte/completed_inquiries/2004-07/migration/report/index.htm>.
- ²¹ See, e.g., Gregory Marston, *Temporary Protection, Permanent Uncertainty: The Experience of Refugees Living on Temporary Protection Visas* (Centre for Applied Social Research, RMIT University, 2003).
- ²² Refugee Council of Australia, *Temporary Protection Visas* (Policy Brief, 24 September 2013)
<http://www.refugeecouncil.org.au/r/pb/PB1324_TPVs.pdf>; Shakeh Momartin, Zachary Steel, Marianio Coello, Jorge Aroche, Derrick M Silove and Robert Brooks, 'A Comparison of the Mental Health of Refugees with Temporary versus Permanent Protection Visas' (2006) 185 *Medical Journal of Australia* 357.
- ²³ Michael Leach, 'Back to the Future on Temporary Protection Visas', *The Conversation*, 27 August 2013, <http://theconversation.com/back-to-the-future-on-temporary-protection-visas-17316>.
- ²⁴ Momartin et al, above n 17.
- ²⁵ Human Rights and Equal Opportunity Commission, *A Last Resort? National Inquiry into Children in Immigration Detention*, April 2004, 20, 815–20
<http://www.humanrights.gov.au/sites/default/files/content/human_rights/children_detention_report/report/PDF/alr_complete.pdf>.
- ²⁶ *Ibid* 817–20.
- ²⁷ See *Minister for Immigration and Multicultural and Indigenous Affairs v QAAH of 2004* [2006] HCA 53, [38]–[39].

²⁸ United Nations High Commissioner for Refugees (UNHCR), *Roundtable on Temporary Protection, 19–20 July 2012: Summary Conclusions* <<http://www.refworld.org/docid/506d908a2.html>>. See, e.g., Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof [2001] OJ L 212/12.

²⁹ UNHCR, above n 28. See, e.g., United States Citizenship and Immigration Services, ‘Temporary Protected Status’ <<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnnextoid=848f7f2ef0745210VgnVCM100000082ca60aRCRD&vgnnextchannel=848f7f2ef0745210VgnVCM100000082ca60aRCRD>>.

³⁰ See Jane McAdam and Tristan Garcia, Submission to the National Human Rights Consultation, 10 June 2009, 26

<http://www.gtcentre.unsw.edu.au/sites/gtcentre.unsw.edu.au/files/mdocs/Final_Submission_11June09.pdf>; Commonwealth Parliamentary Joint Committee on Human Rights, *Examination of Legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011* (March 2013) 38–41 <http://www.aph.gov.au/parliamentary_business/committees/senate_committees?url=humanrights_ctte/reports/2013/3_2013/report.pdf>.

³¹ Alice Edwards, ‘Tampering with Refugee Protection: The Case of Australia’ (2003) 15 *International Journal of Refugee Law* 192, 197–200.

³² Edwards, above n 31, 206–7; McAdam and Garcia, above n 30, 26; Commonwealth Parliamentary Joint Committee on Human Rights, above n 30, 38–9.

³³ In August 2013, the UN Human Rights Committee held that cumulative harm, in the context of immigration detention, could constitute cruel, inhuman or degrading treatment: Human Rights Committee, *Communication No 2094/2011: Views Adopted by the Committee at its 108th Session (8–26 July 2013)*, CCPR/C/108/D/2094/2011, 20 August 2013

<<http://www.refworld.org/docid/52270fe44.html>>; Human Rights Committee, *Communication No 2136/2012: Views Adopted by the Committee at its 108th Session (8–26 July 2013)*, CCPR/C/108/D/2136/2012, 20 August 2013 <<http://www.refworld.org/docid/52270d1d4.html>>. See also Jane McAdam, ‘UN Slams Australia’s Treatment of Refugees’, *The Lowy Interpreter*, 27 August 2013 <<http://www.lowyinterpreter.org/post/2013/08/27/UN-Human-Rights-Committee-slams-Australias-treatment-of-refugees.aspx>>.

³⁴ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) [2011] OJ L 337/9, art 24(1).

³⁵ Directive 2011/95/EU, above n 34, art 24(1).

³⁶ UNHCR, *Note on the Integration of Refugees in the European Union* (May 2007) <<http://www.refworld.org/pdfid/463b24d52.pdf>>.

³⁷ See Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending the Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection [2011] OJ L 132/1; Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents [2004] OJ L 16/44.

³⁸ European Council on Refugees and Exiles, *Integration* <<http://www.ecre.org/topics/areas-of-work/integration.html>>.

³⁹ German Federal Office for Migration and Refugees, ‘Legal Consequences of the Decision’, 18 January 2011 <<http://www.bamf.de/EN/Migration/AsylFluechtlinge/Asylverfahren/Rechtsfolgen/rechtsfolgen-node.html>>.

⁴⁰ German Federal Ministry of the Interior, ‘Asylum and Refugee Policy in Germany’ <http://www.bmi.bund.de/EN/Topics/Migration-Integration/Asylum-Refugee-Protection/Asylum-Refugee-Protection_Germany/asylum-refugee-policy-germany_node.html>.

⁴¹ European Commission, *Family Reunification: A Barrier or Facilitator of Integration? German Country Report* (October 2012) 15–17 <<http://familyreunification.eu/wp-content/uploads/2013/03/A-Family-Reunification-German-Country-Report1.pdf>>.

⁴² Mansouri, Fethi, Michael Leach and Amy Nethery, ‘Temporary Protection and the Refugee Convention in Australia, Denmark and Germany’ (2010) 26 *Refugee* 135, 138.

⁴³ Michael Woodhouse, ‘Mass Arrivals Bill Passes into Law’ (Press Release, 13 June 2013) <<http://www.beehive.govt.nz/release/mass-arrivals-bill-passes-law>>; ‘New Law Allows Asylum Seeker

Detention', *Radio New Zealand News*, 15 June 2013 <<http://www.radionz.co.nz/news/national/137629/new-law-allows-asylum-seeker-detention>>; Dominique Schwartz, 'New Zealand Passes Law to Detain Asylum Seekers for Six Months', *ABC News*, 14 June 2013 <<http://www.abc.net.au/news/2013-06-14/new-zealand-passes-law-to-detain-asylum-seekers-for-six-months/4753650>>; Klaus Neumann, 'Just Hook Around Tasmania and Pop Across the Tasman', *Inside Story*, 21 June 2013 <<http://inside.org.au/just-hook-around-tasmania-and-pop-across-the-tasman/>>.

⁴⁴ Michael Woodhouse, above n 43; New Zealand Department of Immigration, *Operations Manual*, C.8.10 <<http://www.immigration.govt.nz/opsmanual/46723.htm>>; New Zealand Department of Immigration, *Operations Manual*, C8.20 <<http://www.immigration.govt.nz/opsmanual/46725.htm>>.

⁴⁵ Michael Woodhouse, above n 438.

⁴⁶ *Ibid.*

⁴⁷ US Citizenship and Immigration Services, *I Am a Refugee or Asylee* (August 2008) <<http://www.uscis.gov/USCIS/Resources/D3en.pdf>>; US Citizenship and Immigration Services, *Benefits and Responsibilities of Asylees*, 1 April 2011 <<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextoid=2d2e4b5bbfb73210VgnVCM100000082ca60aRCRD&vgnnextchannel=f39d3e4d77d73210VgnVCM100000082ca60aRCRD>>.

⁴⁸ US Citizenship and Immigration Services, *Family of Refugees & Asylees*, 2 September 2009 <<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnnextoid=3ea83e4d77d73210VgnVCM100000082ca60aRCRD&vgnnextchannel=3ea83e4d77d73210VgnVCM100000082ca60aRCRD>>.

⁴⁹ Citizenship and Immigration Canada, *Refugee Status from Inside Canada*, 2 December 2012 <<http://www.cic.gc.ca/english/refugees/inside/apply-after.asp>>.

⁵⁰ See Senate Legal and Constitutional Affairs Committee, *Questions Taken on Notice, Budget Estimates Hearing 21–22 May 2012, Immigration and Citizenship Portfolio* <http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=legcon_ctte/estimates/bud_1213/diac/BE12-0266.pdf>. See also Sue Hoffman, 'Temporary Protection Visas & SIEV X', *Sievx.com*, 6 February 2006 <<http://sievx.com/articles/challenging/2006/20060206SueHoffman.html>>; Sue Hoffman, 'The Myths of Temporary Protection Visas', *The Drum*, 14 June 2011 <<http://www.abc.net.au/unleashed/2757748.html>>; *Sievx.com, Database of Asylum Seeker Boats* <http://sievx.com/dbs/boats/form.php?&table_name=Boats&function=search&sql=&name_mailing=&page=4&order=>>; Janet Phillips, above n 3; Michael Leach, above n 18.

⁵¹ These tables are sourced from Senate Legal and Constitutional Affairs Committee, *Questions Taken on Notice, Budget Estimates Hearing 21–22 May 2012, Immigration and Citizenship Portfolio* <http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=legcon_ctte/estimates/bud_1213/diac/BE12-0265.pdf>.

⁵² Department of Immigration and Border Protection, *Refugee and Humanitarian: Overview of the Changes* <http://webcache.googleusercontent.com/search?q=cache:atDMBwONYLoJ:www.immi.gov.au/refugee/tpv_thv/abolition/overview.htm+&cd=1&hl=en&ct=clnk&gl=au>.

Further reading

['Abbott Resurrects Howard-Era Immigration Policy'](#), *The World Today*, 16 August 2013

Burnside, Julian, ['Temporary Protection Visas Won't Work'](#), *The Guardian*, 16 August 2013

['Coalition Promises Return of Temporary Protection Visas'](#), *ABC News*, 16 August 2013

Department of Immigration and Border Protection, *Temporary Humanitarian Concern Visa* (Factsheet, January 2013)

Edwards, Alice, 'Tampering with Refugee Protection: The Case of Australia' (2003) 15 *International Journal of Refugee Law* 192

Hoffman, Sue, ['Temporary Protection Visas & SIEV X'](#), *Sievx.com*, 6 February 2006

Hoffman, Sue, [‘The Myths of Temporary Protection Visas’](#), *The Drum*, 14 June 2011

Human Rights Watch, [Commentary on Australia’s Temporary Protection Visas for Refugees](#) (13 May 2013)

Leach, Michael, [‘Back to the Future on Temporary Protection Visas’](#), *The Conversation*, 27 August 2013

Liberal Party of Australia and National Party of Australia, [The Coalition’s Policy to Clear Labor’s 30,000 Border Failure Backlog](#) (August 2013)

Mansouri, Fethi, Michael Leach and Amy Nethery, [‘Temporary Protection and the Refugee Convention in Australia, Denmark and Germany’](#) (2010) 26 *Refugee* 135

Marston, Gregory, *Temporary Protection, Permanent Uncertainty: The Experience of Refugees Living on Temporary Protection Visas* (Centre for Applied Social Research, RMIT University, 2003)

McAdam, Jane and Tristan Garcia, [Submission to the National Human Rights Consultation](#), 10 June 2009, 26

Momartin, Shakeh, Zachary Steel, Marianio Coello, Jorge Aroche, Derrick M Silove and Robert Brooks, ‘A Comparison of the Mental Health of Refugees with Temporary versus Permanent Protection Visas’ (2006) 185 *Medical Journal of Australia* 357

Phillips, Janet, [Temporary Protection Visas](#) (Research Note No. 51, Parliamentary Library, 11 May 2004)

Refugee Advice and Casework Service, [The Introduction and Disallowance of Temporary Protection Visas](#) (Factsheet, December 2013)

[‘Refugees to Be Denied Permanent Residency under Coalition Plan to “Determine Who Comes Here”’](#), *ABC News*, 16 August 2013

Refugee Council of Australia, [Position Paper on Australia’s Use of Temporary Protection Visas for Convention Refugees](#) (September 2003)

Refugee Council of Australia, [Temporary Protection Visas](#) (Policy Brief, 24 September 2013)

Refugee Council of Australia, [Use of Temporary Humanitarian Concern Visas as an alternative to Temporary Protection Visas](#) (Factsheet, 6 February 2014)

Report of the [Expert Panel on Asylum Seekers](#) (2012), Attachment 4: Australia’s Contribution to International Protection

[‘Temporary Protection Visas Disallowed by Senate’](#), *ABC Radio*, 3 December 2013