



'A last resort?'

Report of the National Inquiry into Children in Immigration Detention

TEMPORARY PROTECTION VISAS

Following a successful application for asylum, children and their families (unless unaccompanied children) – are generally released from detention into the community on a three-year temporary protection visa (TPV).

Since 2001, the conditions attached to the TPV mean that children and their families:

- are not eligible for permanent residence in Australia, unless the Minister decides otherwise
- are unable to bring any family to join them in Australia for the period of their TPV, unless the Minister decides otherwise
- lose their visa if they travel outside Australia, as TPVs are single entry visas.

After three years the TPV expires. At this time the child is required to apply again to stay in Australia on the basis that they are still a refugee and that it would not be safe for them to return to their country of origin.

Evidence presented to the Inquiry highlighted two very significant barriers that children released from detention on TPVs face as they try to integrate into the Australian community.

The first is that the temporary status of their residence creates a deep uncertainty and anxiety about their future. This can exacerbate existing mental health problems from their time in detention and their past history of persecution. It also affects their capacity to fully participate in the educational opportunities offered in Australia.

The second concern is that the absence of the right to family reunion for the duration of the visa, combined with the effective ban on overseas travel, means that some children may be separated from their parents or family for a long, potentially indefinite, period of time. Again, this can undermine a child's mental health and well-being, especially for unaccompanied children who want to try to see their family.

Evidence to the Inquiry showed that despite uncertainty and restrictions on family reunion, unaccompanied refugee children released from detention were generally well-cared for by State agencies and that health, education and social services attached to temporary visas satisfied those requirements in the *Convention on the Rights of the Child*.

However, limited settlement services, such as initial housing assistance; stringent reporting requirements in order to receive the Special Benefit; limited employment assistance programs; and limited English language tuition for adults all place significant strain on families with children who are trying to integrate into the community.

The Inquiry found that Australia's laws breach the *Convention on the Rights of the Child* by failing to ensure that children released from immigration detention on TPVs can enjoy their right to mental health, development, recovery from past trauma and family unity.