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BY: MIG *[Signature]*

SUBMISSION: INQUIRY INTO IMMIGRATION TREATMENT OF DISABILITY

This submission is prompted by personal experience, following the refusal of my sister's application for a family sponsored skilled migration visa, because she is a totally blind person.

Response to the Terms of Reference

1. I do not believe that a person with a disability should be subjected to a more onerous assessment of their qualifications and character than any other person. I believe that the current visa application process adequately assesses an individual's qualifications, and that this information is sufficient to determine the economic contribution that an individual is able to make to Australia. The social contribution is subjective, and cannot be quantified, and I do not believe that this can be fairly assessed through the current visa application process.
2. In my opinion the impact on funding for, and availability of, community services for people with a disability is relatively small, as the current waiting period before application can be made for the Disability Support Pension is ten years. Importantly, if the issue is truly about minimising the cost to the Australian community, I find it difficult to comprehend why young smokers, that are certain to be a future much larger cost¹ to the community, are not subjected to the same ruling as a person with a disability.
3. I do not believe that the health requirement in the Migration Act should remain in its current form, as it allows discrimination against healthy individuals with a disability, that pose no health threat to the community. *If the health requirement remains in its current form, I strongly believe that the balance between the total economic and social benefits of the entry and stay of an individual with a disability, and the individual's spouse, partner or family, and the costs and use of services by that individual, should be a factor in a visa decision.*
4. I do not believe that the health requirement in the Migration Act should remain in its current form, as it allows discrimination against healthy individuals with a disability, that pose no health threat to the community. *If the health requirement remains in its current form, the balance might be determined by firstly determining the total amount that an individual with a disability, and their spouse, partner or family will likely contribute to the Australian government in income tax, based on their qualifications. An appropriate criterion on which to base the decision to grant a visa may be that the likely total income tax contribution offsets the likely cost to the Australian community by a certain percentage. The social contribution is subjective, and cannot be quantified, and I do not believe that this can be fairly assessed through the current visa application process.*
5. To my knowledge Australia is currently the only country in the world that effectively legalises discrimination against otherwise *healthy* individuals with a disability, such as blindness, through the health requirement of its Migration Act.

I thank the Committee for the opportunity to make this submission.

NAME WITHELD BY REQUEST

27 October 2009

¹ The estimated social costs of smoking to the community is about \$31b per year (The West Australian, 22 October 2009), whereas the 2008 budget for the Disability Support Pension was about \$12b.