



**The Hon Bill Shorten MP**  
**Parliamentary Secretary for Disabilities and Children's Services**  
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Mr Michael Danby MP  
 Chair  
 Joint Standing Committee on Migration  
 Parliament House  
 CANBERRA ACT 2600

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 BY: M.I.G.

*Michael*  
 Dear Mr Danby

Thank you for your letter seeking the experiences of Members and Senators with constituents who have been affected by the health requirement in the *Migration Act 1958* because of disability. I commend you for chairing this important inquiry into the migration treatment of disability (the inquiry).

I hear the experiences of many people with disability not only from contact with my constituents as the Member for Maribyrnong, but also in my role as the Parliamentary Secretary for Disabilities and Children's Services.

You will note that on 13 November 2009, the Department of Families, Housing, Community Services and Indigenous Affairs put forward a submission to this inquiry which includes a number of important issues for the inquiry to consider.

Since October 2008, in my capacity as the Parliamentary Secretary for Disabilities and Children's Services, I have received approximately eight letters relating to the migration experiences of people with disability. Some of these letters required referral to the Minister for Immigration and Citizenship, Senator the Hon Chris Evans. In many recent cases, I have highlighted how Minister Evans and I have supported the work of your Committee as it looks at the health requirements in the *Migration Act 1958* and how that impacts on people with disability. I have also emphasised that the Australian Government is keen to ensure that Australia's laws, policies and programs continue to comply with obligations in the United Nations Convention on the Rights of Persons with Disabilities (the Convention) and that the Government is working hard to continually improve the lives of people with disability.

The correspondence I receive usually relates to an Australian family member who is trying to assist a relative in another country to migrate to Australia, often after their visa application has been rejected.

Common issues raised by correspondents include the following:

- difficulty in progressing with family reunions;
- the exemption of the *Migration Act 1958* from the *Disability Discrimination Act 1992*;
- recognising the positive contributions a person with a disability could make to the Australian community;
- the Convention;
- accessing appropriate information when applying for permanent residency; and
- disability as a determining factor whether or not a family be granted permanent residency.

Additionally, following the initial rejection of permanent residency to a Dr Moeller and his family in late 2008, I received a letter from an organisation representing people with Down Syndrome. The organisation stated that it receives approximately three to four calls a month from families in similar circumstances as Dr Moeller's family. It was also indicated to me that the organisation were aware of very few cases where families have been successful in challenging the Department of Immigration and Citizenship's decision.

Once again, thank you for writing. I hope you find this information useful. I look forward to hearing the outcome of this important inquiry.

Yours sincerely

  
Bill Shorten