

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 21-22 MAY 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE12/0217) Program 1.1: Visa and Migration

Senator Boyce (L&CA written) asked:

Australian law dictates that disabled people are generally rejected as migrants, even if they're skilled or have family here. This enshrines discrimination and contradicts all the words, sentiments, experiences, practise, beliefs, morality and even law that are espoused by our culture, our leaders and more particularly in this circumstance -the Government. How then can these clearly discriminatory and arbitrary provisions of our Immigration law be allowed to stand? For example in a recent story on this issue by the ABC 7.30 report the case of Simran Kaur was detailed. She has a Bachelors degree in Arts, a Masters in Social Work and is currently employed in the aged care sector. Yet it took her two years of struggle to overturn a decision that said she was not worthy to be Australian, only overturned by a campaign and ministerial intervention. Her crime, she was also born blind. Because of macular degeneration, she can just see people in outlines. Her achievement, her triumph over adversity was not celebrated it was ignored as irrelevant. On what basis can such decisions by the Department possible be justified?

Answer:

On 17 July 2008, the Australian Government ratified the *Convention on the Rights of Persons with Disabilities*, which incorporated a formal Declaration that the Convention would not impact on the health requirement for non-nationals seeking to enter, or remain, in Australia where any such requirement is based on legitimate, objective and reasonable criteria.

Visa applications are assessed on the basis of applicants meeting, among other things, the health requirement, and not because they do or do not have a disability. The Department will continue to apply the health requirement on the basis of criteria that are legitimate, objective and reasonable.