

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 21-22 MAY 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE12/0218) 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. To clearly underline the absurdity and hypocrisy of this situation if you were to receive an application for permanent residency by a Professor Ron McCallum and a Mr Graeme Innes they would be rejected as unsuitable citizens. So you would be rejecting the former Dean of Law at the University of Sydney, and Chair of the United Nations committee on the rights of persons with disability- Professor McCallum and Disability Discrimination Commissioner - Mr. Graeme Innes AM. Is that not correct? Could you explain how this situation, this system is not unfair? Could you explain how this situation, this system is not unjust? Could you explain how this situation, this system does not denigrate the rights of people with disabilities? How do you justify the employment of the "one fails, all fail" rule?

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.