

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 21-22 MAY 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE12/0219) 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 ,for example, could such a policy be justified in the well publicised case of Dr Bernard Muller and his family who were repeatedly denied by the Department permanent visas to live in rural Victoria because his son Lucas has Down Syndrome?

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.