



Fulfilling the vision for an Australia inclusive of people with disability

August 2024

In 2009, my husband, two young children and I moved from New Zealand to Brisbane. My sister was already living in Australia so we moved to be closer to her and for a better lifestyle and more opportunities for our family. We settled quickly with jobs, built a house and the kids were thriving - we were living the 'Australian Dream'.

We knew early on that Australia would be home. My husband gained his citizenship in 2012. It was a very straightforward process as his father is Australian so my husband was able to gain Citizenship by Descent. As I had travelled to Australia when I was a child, I was able to meet the criteria to apply for permanent residency under the Return Resident Visa (RRV) pathway. Again, I found this a straightforward process and once I was granted my permanent residency, I was excited to be able to sponsor my children so they could also gain permanent residency (Visa Subclass 802) and have a pathway to citizenship.

As proudly as I stood at my citizenship ceremony in September 2015, it was a really bittersweet day for me as it came only a few weeks after I had received the devastating news that my son Cameron's permanent residency visa had been declined due to him not meeting health requirements. Both myself and my two children are vision impaired and legally blind but this did not seem to pose an issue - after all, my visa and my daughter's visas were granted so I was really taken aback that Cameron's visa was declined. Upon further contact with Immigration, I was told this was due to Cameron's autism and intellectual disability. He did not meet the health requirements to become a permanent resident as the estimated cost to support him was deemed to be a 'burden' on the Australian Commonwealth.

At the end of September 2023, the Commonwealth Government released the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. The Uniting Church in Australia, National Assembly, welcomed the Royal Commission's final report, affirming its vision for a more inclusive Australian society. The National Assembly committed the Uniting Church "to taking seriously its calls for change to transform our society into one that is more inclusive and which respects and protects the rights of people living with a disability." The National Assembly also said, "Our values are grounded in Jesus' witness to the love of God for all people. We seek to be a Church in which the gifts, hopes and dreams of all people are valued and honoured."

The Commissioners concluded that:

Throughout our work, people with disability clearly, persuasively and passionately described their vision for a more inclusive Australia. While they had varied impairments, backgrounds and perspectives described their vision for a more inclusive Australia.

The Royal Commission raised concerns that the *Migration Act 1958* is exempt from the *Disability Discrimination Act 1992*, which allows the Department of Home Affairs to exclude granting permanent visas to people with a disability where they believe the cost to the Australian Government budget of including the person in the Australian community will be too great. Currently, a person with a disability can be denied a permanent visa to Australia if the health costs to care for them would be assessed as being greater than \$8,600 annually. By contrast, the New Zealand Government is more generous with the threshold of health costs of \$16,200 annually. The Royal Commission recommended that the Australian Government should look to change the law and migration practices to eliminate or minimise the discrimination.

Currently, if the visa is denied because the person has a disability, it is possible to apply for a waiver for some types of visas. A staff member of the Department of Home Affairs assesses the personal circumstances of the person, including the capacity of their family to



cover the costs or if there are compassionate circumstances to waive the restriction and grant the visa. People on temporary visas for skilled workers are not able to seek a waiver for themselves or their family members.

The good news is that, since 2012, refugees have not been denied a protection visa on the basis of having a disability. Further, in the 2022-2023 financial year, 60% of people initially denied a visa on the grounds of health costs in Australia, had the restriction waived and were granted the visa they applied for.

A review of the policy to not grant visas to people with a disability was conducted at the end of 2023 and completed in April 2024. The review report was released in July 2024. The review found that the threshold for exclusion was too low, with people living with stable and managed health conditions such as Crohn's Disease and skin disorders are assessed as posing a significant cost to the Australian Government.

In 2018, the Canadian government reviewed migration health costs and determined that, contrary to widely held belief, the cost of admitting migrants with disability and health issues did not impact significantly on state budgets compared to the costs of other migrants and Canadian residents. The Canadian government consequently reviewed its migration health requirements in line with the rights of people with health and disability issues.

More stories and video resources about the discrimination of the Australian Government against people with a disability seeking to settle in Australia can be found at:
<https://www.welcomingdisability.com/stories>

What You Can Do

Write polite and respectful letters to:

The Hon Anthony Albanese MP
Prime Minister
PO Box 6022
House of Representatives
Parliament House
Canberra, ACT, 2600

The Hon Tony Burke MP
Minister for Immigration and Multicultural Affairs
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Salutation: Dear Prime Minister

Salutation: Dear Minister

Points to make in your letters:

- Express concern that Australian law exempts the *Migration Act* from the *Disability Discrimination Act* so that people with a disability can be excluded from settling in Australia if the cost of looking after them would be greater than \$86,000 over 10 years.
- Point out that such a position sends a message that people with a disability are a 'burden' and that it is acceptable to discriminate against them.
- Welcome the recommendation of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability that discrimination against people with a disability seeking to migrate to Australia should be eliminated or minimised.
- Further, welcome that in most cases the restriction has been waived and the person has been granted a visa.
- Ask that the Australian Government act on the Royal Commission recommendation and that it should:
 - Removal of the exemption in the *Disability Discrimination Act 1992* to the *Migration Act 1958*; and,
 - Grant an automatic health waiver for all children with a disability or health condition born in Australia to temporary visa applicants if the family wants to apply for further visas.

