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HUMAN RIGHTS™



Down Syndrome
Australia

Civil Society calls for an end to discrimination against migrants with disabilities

More than 70 of Australia's leading disability and civil society organisations have endorsed wide-ranging recommendations to reform the nation's archaic and degrading migration health laws.

The recommendations are part of a [submission](#) made by the [Welcoming Disability](#) Campaign to a [public review](#) of Australia's migration health requirement being conducted by the Federal Government.

The recommendations call for an end to the *Migration Act's* exemption from the *Disability Discrimination Act* and reforms to ensure that Australia's approach complies with its legal obligations under core international human rights treaties

Natalie Wade, Chair of Disability Rights at Australian Lawyers for Human Rights (ALHR) says the Federal Government must change its migration laws so that people with disabilities or health issues are treated fairly and have their human rights respected and protected.

"The current approach is inconsistent with Australia's legal obligations under core international human rights treaties, particularly the *Convention on the Rights of the Child* and the *Convention on the Rights of Persons with Disabilities*."

"And as a party to the *UN Convention on the Rights of the Child*, Australia's migration health framework should protect children from discrimination on the basis of their disability or health status, protect their rights to development and education and place their best interests at the heart of decisions. Currently, it does not," Ms Wade said.

Darryl Steff, CEO of Down Syndrome Australia says families, who are already making significant contributions to our communities, are being told they may have to leave Australia if they have a child born here with a disability or health condition.

"Not only is this policy unjust, it reinforces the stigma and discrimination that people with disabilities already face. It's time for reform so that families stop suffering," he said.

Jan Gothard, Welcoming Disability Migration Policy Advisor says every visa applicant should have the right to argue that the benefits they bring to Australia outweigh any costs. Furthermore, Australia's migration health requirement has failed to keep pace with community expectations.

"A review of Australia's Significant Cost Threshold (SCT), which assesses how much a person will cost in terms of health and community services is absolutely essential."

"The SCT is an arbitrary assessment of potential health care and community costs that is attached to visa applicants with a disability or health issue and is currently set at around \$51,000 over ten years."

"This figure is less than one-third of average health and welfare costs for an Australian. It is completely obsolete and out of step with comparable democracies such as Canada and New Zealand."

West Australian social worker and visa applicant, Shizleen Aishath, whose child with a disability was born in Australia, described the Australian Government's approach as non-inclusive, saying, "It's degrading and very inhumane. It is an unnecessary and heartbreaking experience where you have to prove your child's worth as a human being and fight a fight that is unnecessary, time-consuming and, in its entirety, very cruel."

Kerry Weste, ALHR President and Chair of Children's Rights said, the depth of support for Welcoming Disability's recommendations has been overwhelming."

"It's time for Australia to replace its outmoded migration health requirements with a framework that is compatible with people's fundamental human rights and which positively recognises their contributions to our community."

"There is no reason why we can't have a migration health requirement that protects public health without arbitrary and archaic discrimination against people with disabilities and health issues."

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