

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING : 17 October 2016

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE16/123) - Permanent residency - Programme 2.1: Citizenship

Senator Carr, Kim (L&CA) written:

With reference to applications for Permanent Residency:

- (1) Total number of applications for Permanent Residency that have been denied because applicants did not meet 'health assessment' (health requirement) eligibility?
- (2) Can a breakdown be provided by annual numbers, from 1st Jan 2010-1st July 2016 including:
 - (a) age of applicants (b) place of birth / country of origin of applicants (c) gender of applicants (d) length of applicant residency in Australia (by year- average)
- (3) Out of these applications denied, how many applicants have a disability?
- (4) Out of these applications denied because of disability, how many were direct applicants themselves, and how many were for:
 - (a) dependent (family member, spouse), and (b) dependent minor (child)?
- (5) Can the Government please clarify and confirm how a person's disability is 'assessed' and considered when they apply for permanent residency?
- (6) Can the Government please provide a copy of the schedule of costs, and associated assessment tool in regards to the health waiver?

Answer:

1. Please refer to *Table 1: total number of temporary and permanent visa applications that were refused on "health grounds"*.
2. Please refer to *Table 1: total number of temporary and permanent visa applications that were refused on "health grounds"* for the breakdown by annual numbers. The Department is not in a position to provide information on the applicant's age, their place of birth/country of origin, their gender and average length of residency, due to timeframes and departmental systems not being designed to capture all the requested information.

The purpose of the health requirement is to protect the Australian community from public health and safety risks; contain public expenditure on health care and community services; and safeguard the access of Australia citizens and permanent residents to health care and community services in short supply.

All permanent visa applicants and some temporary visa applicants are required to complete Immigration Medical Examinations to determine if they meet the health requirement.

3. Of the 183 visa applications which were refused in the 2014–15 financial year due to a visa applicant or a member of their family unit failing to meet the health requirement due to the costs or prejudice to access associated with their condition, 35 applicants had a form of significant intellectual impairment and 30 applicants had significant functional impairment.
4. The Department of Immigration and Border Protection is not in a position to provide any further details of the 65 applicants mentioned above such as whether the dependent applicants were refused a visa due to the costs associated with their health condition or whether they are adults or minors. This is due to the timeframes for provision of data and departmental systems not being designed to capture all the requested information.
5. Visa applicants do not fail the health requirement due to having a disability. Where a visa applicant is identified as having a significant health condition, a Medical Officer of the Commonwealth (MOC) makes an assessment to determine whether the applicant meets the health requirement. In line with Australia's non-discriminatory immigration policy, this is an objective assessment, which is not condition specific.

When making an assessment of an applicant against the health requirement, a MOC must take into account the Notes for Guidance, which are 27 condition specific papers, setting out the health care costs and community services likely to be required by a hypothetical person with a condition of the same level and severity of the applicant. This includes the need for medical, pharmaceutical and community services, including special education.

With the exception of active Tuberculosis (TB), visa applicants do not fail to meet the health requirement due to their specific health condition, but as a result of the significant costs identified (over \$40,000) or access to services in short supply in Australia.

6. Visa delegates are provided with comprehensive policy guidance outlining the criteria to consider when making an assessment to exercise a health waiver. This consideration does not take into account the specific health condition of the applicant; rather, it takes into consideration any compelling and compassionate factors and the applicant's ability to mitigate the costs or access to services in short supply. This includes an assessment of:
 - any compassionate or compelling circumstances
 - the skills and qualifications of all applicants, in particular whether their skills are in shortage in Australia
 - the extent to which the applicant may be able to mitigate potential costs/ access of services in short supply in Australia
 - whether the applicant has settled in Australia, including whether the applicant is settled in a regional area of Australia
 - whether the applicant has significant family ties to Australia,
 - any impacts on Australian citizen children should the health waiver be refused, and
 - whether an Australian citizen sponsor would not be able to migrate to the applicant's home country (for example, because same-sex migration is not available to that country).

Table 1: Total number of temporary and permanent visa applicants that were refused on the applicant’s personal “health grounds”

Programme year	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015
Public health grounds *	19	4	11	13	7
Significant cost or prejudice to access grounds **	329	164	181	252	183
Failed to undergo the required health examinations	551	1,188	1,285	1,711	1,310

* Public health grounds – applicants have failed health due to being a threat to public health or a danger to the community.

** Significant cost or prejudice to access grounds – visa applicant cannot be found to meet the health requirement for the grant of certain visas if they have a disease or condition that is likely to result in a “significant cost” (over \$40,000). Prejudice to access grounds safeguard the access of Australian residents to health and community services in short supply.