



## Appendix C: Migration Regulations 1994 —*Schedule 4, Part 1*

### Public Interest Criteria 4005 (standard)

The applicant:

- (a) is free from tuberculosis; and
- (b) is free from a disease or condition that is, or may result in the applicant being, a threat to public health in Australia or a danger to the Australian community; and
- (c) is not a person who has a disease or condition to which the following subparagraphs apply:
  - (i) the disease or condition is such that a person who has it would be likely to:
    - (A) require health care or community services; or
    - (B) meet the medical criteria for the provision of a community service; during the period of the applicant's proposed stay in Australia;
  - (ii) provision of the health care or community services relating to the disease or condition would be likely to:
    - (A) result in a significant cost to the Australian community in the areas of health care and community services; or
    - (B) prejudice the access of an Australian citizen or permanent resident to health care or community services;

regardless of whether the health care or community services will actually be used in connection with the applicant; and

- (d) if the applicant is a person from whom a Medical Officer of the Commonwealth has requested a signed undertaking to present himself or herself to a health authority in the State or Territory of intended residence in Australia for a follow-up medical assessment, the applicant has provided such an undertaking.

### Public Interest Criteria 4006A (employer sponsored waiver)

(1) The applicant:

- (a) is free from tuberculosis; and
- (b) is free from a disease or condition that is, or may result in the applicant being, a threat to public health in Australia or a danger to the Australian community; and
- (c) is not a person who has a disease or condition to which the following subparagraphs apply:
- (iii) the disease or condition is such that a person who has it would be likely to:
    - (A) require health care or community services; or
    - (B) meet the medical criteria for the provision of a community service; during the period of the applicant's proposed stay in Australia;
  - (iv) provision of the health care or community services relating to the disease or condition would be likely to:
    - (C) result in a significant cost to the Australian community in the areas of health care and community services; or
    - (D) prejudice the access of an Australian citizen or permanent resident to health care or community services;

regardless of whether the health care or community services will actually be used in connection with the applicant; and

- (d) if the applicant is a person from whom a Medical Officer of the Commonwealth has requested a signed undertaking to present himself or herself to a health authority in the State or Territory of intended residence in Australia for a follow-up medical assessment, the applicant has provided such an undertaking.

(2) The Minister may waive the requirements of paragraph(1) (c) if the relevant nominator has given the Minister a written undertaking that the relevant

nominator will meet all costs related to the disease or condition that causes the applicant to fail to meet the requirements of that paragraph.

- (3) In subclause (2), *relevant nominator* means an approved sponsor who:
- (a) has lodged a nomination in relation to a primary applicant; or
  - (b) has included an applicant who is a member of the family unit of a primary applicant in a nomination for the primary applicant; or
  - (c) has agreed in writing for an applicant who is a member of the family unit of a primary applicant to be a secondary sponsored person in relation to the approved sponsor.

### Public Interest Criteria 4007 (waiver on consideration of offsets)

- (1) The applicant:
- (e) is free from tuberculosis; and
  - (f) is free from a disease or condition that is, or may result in the applicant being, a threat to public health in Australia or a danger to the Australian community; and
  - (g) is not a person who has a disease or condition to which the following subparagraphs apply:
    - (v) the disease or condition is such that a person who has it would be likely to:
      - (A) require health care or community services; or
      - (B) meet the medical criteria for the provision of a community service; during the period of the applicant's proposed stay in Australia;
    - (vi) provision of the health care or community services relating to the disease or condition would be likely to:
      - (A) result in a significant cost to the Australian community in the areas of health care and community services; or
      - (B) prejudice the access of an Australian citizen or permanent resident to health care or community services;

regardless of whether the health care or community services will actually be used in connection with the applicant; and

- (h) if the applicant is a person from whom a Medical Officer of the Commonwealth has requested a signed undertaking to present himself or herself to a health authority in the State or Territory of intended residence in Australia for a follow-up medical assessment, the applicant has provided such an undertaking.
- (2) The Minister may waive the requirements of paragraph if:
  - (a) the applicant satisfies all other criteria for the grant of the visa applied for; and
  - (b) the Minister is satisfied that the granting of the visa would be unlikely to result in:
    - (ii) undue cost to the Australian community; or
    - (ii) undue prejudice to the access to health care or community services of an Australian citizen or permanent resident.