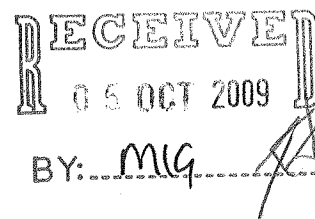


Committee Secretary
Joint Standing Committee on Migration
PO Box 6021
Parliament House
CANBERRA



Dear Sir

Inquiry into the migration treatment of disability

Positive Life NSW (Positive Life) is a non-profit community organisation representing the interests of people with HIV across NSW. Since 1988, we have provided health promotion, advocacy, peer support, health information resources and representation to ensure that people with HIV are able to access quality health care and participate in community life in ways that bring the best quality of life for them, their partners and families.

Positive Life advocates at a State and National level for issues relevant to people with HIV. Migration has been a significant issue for many people with HIV, their partner and families. President Obama today announced the end of the US travel and immigration, effective 4.1.2010, so it is timely for the Australian government to be reconsidering its approach to the migration of people with disability and its human rights obligations.

We fully support the submission of the Australian Federation of AIDS Organisations (AFAO). In summary they are:

- that the exemption of the Migration Act from the Disability Discrimination Act 1992 be revoked;
- that Australia's Interpretive Declaration in respect of the UN Convention on the Rights of persons with Disabilities be withdrawn;
- that whether or not the Interpretive Declaration is withdrawn, the Health Requirement should not apply in respect of a disease or condition that constitutes a disability;
- that if the Health Requirement (in its current form or as amended) continues to apply in respect of disability, compulsory testing for HIV should cease;
- that if the Health Requirement (in its current form or as amended) continues to apply in respect of disability, it should not apply to humanitarian applicants, and no regard should be had to disability or chronic illness in the determination of claims for protection;
- that if the Health Requirement (in its current form or as amended) continues to apply in respect of disability, specified classes of migrant applicant should be made exempt from the Health Requirement (e.g., for partners, carers, children of Australian citizens or residents);

Positive Life NSW

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PositiveLifeNSW

the voice of people with HIV since 1988

- that if the Health Requirement (in its current form or as amended) continues to apply in respect of disability, the fact that one member of a family fails the Health Requirement should not result in other members of the family also failing;
- that for applicants granted permanent protection off-shore, any compulsory testing of refugees for HIV should be after their arrival in Australia, and any person granted permanent protection who is HIV positive should be referred to appropriate, ethno-specific support and health services.

We look forward to the outcomes of this Inquiry and urge the Committee to consider the **benefits** that people with disability, including HIV, bring to the community, not only the costs.

Yours sincerely



Rob Lake

CEO

Positive Life NSW

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