

**Joint Standing Committee on Migration
ANSWERS TO QUESTIONS ON NOTICE**

**FAMILIES, HOUSING, COMMUNITY SERVICES AND
INDIGENOUS AFFAIRS PORTFOLIO**

25 November 2009

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BY:.....
Migration

Submission No 71-1

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Outcome Number 5: Disability and Carers

Question No: 1

Topic: Migration Treatment of Disability

Hansard Page: M3

The Member for Murray, the Hon Dr Sharman Stone asked:

How many humanitarian refugees move onto DSP in the first five years they are in Australia?

Answer:

This information is not readily available.

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Outcome Number 5: Disability and Carers

Question No: 2

Topic: Migration Treatment of Disability

Hansard Page: M9

Mrs Yvette D'Ath MP asked: Are there fixed criteria for the waiver of the 10 year qualifying residency period for Disability Support Pension and who gets to decide on the waiver?

Answer:

Section 94A of the *Social Security Act 1991* specifies the criteria under which the 10 year residency requirement for Disability Support Pension can be waived.

Based on the above, a Centrelink Customer Service Officer, as the delegate of the Secretary decides whether the 10 year residence requirement needs to be met by the applicant or whether it can be waived depending on the circumstances of each case.

The 10 year residence requirement for DSP is waived if the person:

- is a refugee (Refugees have a qualifying residence exemption under section 7(6) of the *Social Security Act 1991*): OR
- was an Australian resident at the time the disability or inability to work occurred, irrespective of the age of the person; OR.
- was born outside Australia, and is a dependant child of an Australian resident at the time the disability or inability to work occurred, and has subsequently become an Australian resident while being a dependent child of an Australian resident.

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Outcome Number 5: Disability and Carers

Question No: 3

Topic: Migration Treatment of Disability

Hansard Page: M9

Mr Michael Danby MP asked:

- a) Has FaHCSIA been consulted on the method of calculating minimum threshold level for determining 'significant costs'?
- b) Does FaHCSIA have any comment on the method by which the threshold is calculated?

Answer:

- a) No, FaHCSIA has not been consulted on the method of calculating the minimum threshold for determining 'significant costs'.
- b) FaHCSIA has not been involved in determining the method of calculating the threshold and does not have any comment.

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Outcome Number 5: Disability and Carers

Question No: 4

Topic: Migration Treatment of Disability

Hansard Page: M9

Mr Antonio Zappia MP asked: Which type of visa categories would make a person eligible for payment (under the humanitarian refugee program).

Answer:

- **Offshore**

- **Permanent Humanitarian visas (PHV)–**

- Subclass 200 - Refugee
 - Subclass 201 - In-Country Special Humanitarian
 - Subclass 203 - Emergency Rescue
 - Subclass 204 - Women at Risk

- **Special Humanitarian Program (SHP)**

- Subclass 202 - Global Special Humanitarian

- **Onshore**

- **Permanent Protection visas (PPV)**

- Subclass 866 - Protection

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Outcome Number 5: Disability and Carers

Question No: 5

Topic: Migration Treatment of Disability

Hansard Page: M10

The Member for Petrie, Mrs Yvette D'Ath asked:

Does FaHCSIA have any other data on the number of refugees with disability or carers receiving DSP?

Answer:

This information is not readily available.

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Outcome Number 5: Disability and Carers

Question No: 6

Topic: Migration Treatment of Disability

Hansard Page: M10

Mrs Yvette D'Ath MP asked:

Could FaHCSIA provide a summary of any submissions to the National Disability Strategy (NDS) consultation process on migration matters including any recommendations those submissions may have made?

Answer:

Migration/immigration and disability issues were mentioned in nine NDS submissions (or 1.3 percent of the total number of submissions received). Organisations commenting on this issue included: the National Council on Intellectual Disability (NCID), National Ethnic Disability Alliance (NEDA), Deafness Forum of Australia, Down Syndrome Victoria, NSW Council of Social Services (NCOSS) and the Federation of Ethnic Communities' Councils of Australia (FECCA).

Recommendations are not available as content of submissions to the National Disability Strategy are not public. However, some of these organisations may have placed their submission on their website.

The two main issues raised were the exclusion of the Migration Act from the Disability Discrimination Act (section 52), and the ten years qualifying residence requirement for access to Disability Support Pension for some newly arrived migrants.