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No. 98 2002–03

## Migration Legislation Amendment (Contributory Parents Migration Scheme) Bill 2002

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No. 98 2002–03

Migration Legislation Amendment (Contributory Parents  
Migration Scheme) Bill 2002

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Law and Bills Digest Group  
4 February 2003

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# Migration Legislation Amendment (Contributory Parents Migration Scheme) Bill 2002

**Date Introduced:** 5 December 2002

**House:** House of Representatives

**Portfolio:** Immigration and Multicultural and Indigenous Affairs

**Commencement:**

- **Schedule 1** commences immediately after the commencement of the *Migration (Visa Application) Charge Amendment Act 2002*.
- **Schedules 2 and 3** commence on Proclamation

## Purpose

To:

- Amend the *Migration Act 1958* to accommodate the new ‘contributory parent visa’ under the visa application charge regime in the Migration (Visa Application) Charge Amendment Bill 2002, and
- Amend the Migration Regulations 1994 to create new classes of contributory parent visa, permanent and temporary, with increased financial obligations in relation to health charges and social security payments.

## Background

This is the third attempt by the Coalition Government to introduce a new class of ‘user pays’ visa for parent migration to Australia. Regulations to this effect were disallowed by the Senate in March 1999. Then in October 2000 the Senate removed provisions introducing such visas from the *Migration Legislation Amendment (Parents and Other Measures) Act 2000*.

The Migration Legislation Amendment (Contributory Parents Migration Scheme) Bill 2002 (“**the current Bill**”) contains similar provisions in relation to ‘user pays’ parent

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migration to those proposed by the Government in the Migration Legislation Amendment (Parents and Other Measures) Bill 2000 (“**the 2000 Bill**”).

## The 2000 proposal

The Government proposed in 2000<sup>1</sup> that:

- An extra 4,000 ‘user pays’ parent visas be added to the 500 places allowed by the Minister under existing arrangements
- For the ‘user pays’ category, families to pay an increased ‘Assurance of Support’ bond<sup>2</sup> of \$10,000 for the first parent and \$4,000 for the second (ie \$14,000 per couple)<sup>3</sup> to compensate the Commonwealth for any social security payments received by their parents:
  - This bond to be in force for 10 years instead of the previous 2 years
- Parents in the ‘user pays’ category to purchase private health insurance covering the first 10 years in Australia; or pay an up front health services charge of \$25,000 each, and
- The 4,000 additional ‘user pays’ visas to be available only for ‘aged parents’<sup>4</sup>, whether or not an application was made from within Australia or from overseas.

For a detailed account of the Government’s 1999 and 2000 initiatives, see [Bills Digest No 200](#)<sup>5</sup> of 1999-2000, which also includes a history of user pays family migration to Australia.

## The 2002 proposal

The Government’s 2002 proposal is:

- Parent visas under existing arrangements to be doubled from 500 to 1,000
- An additional 3,500 ‘contributory parent’ visas to be available each year
- For the ‘contributory parent’ category, families will need to post ‘assurance of support’ bonds of \$10,000 for the first parent and \$4,000 for the second to cover any social security payments to their parents:
  - The bond to be in force for 10 years
- Each ‘contributory parent’ to pay a health services charge of \$25,000 for a *permanent visa*:

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- Unlike the 2000 proposal, there is no option of purchasing private health insurance for 10 years
- However, ‘contributory parents’ will have the alternative option of applying for a *temporary visa* involving a first instalment of \$15,000 for the health services charge and a deferral of the assurance of support bond
- Such people can then apply within the next 2 years for a permanent visa by paying the remaining \$10,000 health charge and lodging the assurance of support bond, and
- Parents holding temporary visas will have access to Medicare and work rights<sup>6</sup>
- Only ‘aged parents’ can apply from within Australia for a ‘contributory parent’ visa, but parents of any age with children in Australia can apply for such a visa from outside Australia.

### Migration priorities

The Australian Government’s migration ‘planning level’ for 2002–03 is 100,000 to 110,000.<sup>7</sup> This compares with a figure of 88,900 settler arrivals in 2001-02<sup>8</sup> and a peak under the previous Labor Government of 145,316 in 1988-89.<sup>9</sup>

Under the previous Labor Government, in some years the number of migrant arrivals in the ‘*family stream*’ was more than double the number in the ‘*skill stream*’.<sup>10</sup> In contrast, since it came to power in 1996, the Coalition Government has given priority to the *skill stream* ahead of the *family stream* on the basis that:

Migrants entering under the family stream have a much lower labour-force participation rate and a much higher rate of unemployment than those entering under the skill stream.<sup>11</sup>

The number of migrants admitted under the skill stream in 2002-03 is planned to be 60,700, compared to 43,200 under the family stream.<sup>12</sup>

Within the family stream, the Coalition Government has given greater priority to immediate family members such as spouses and children ahead of parents:

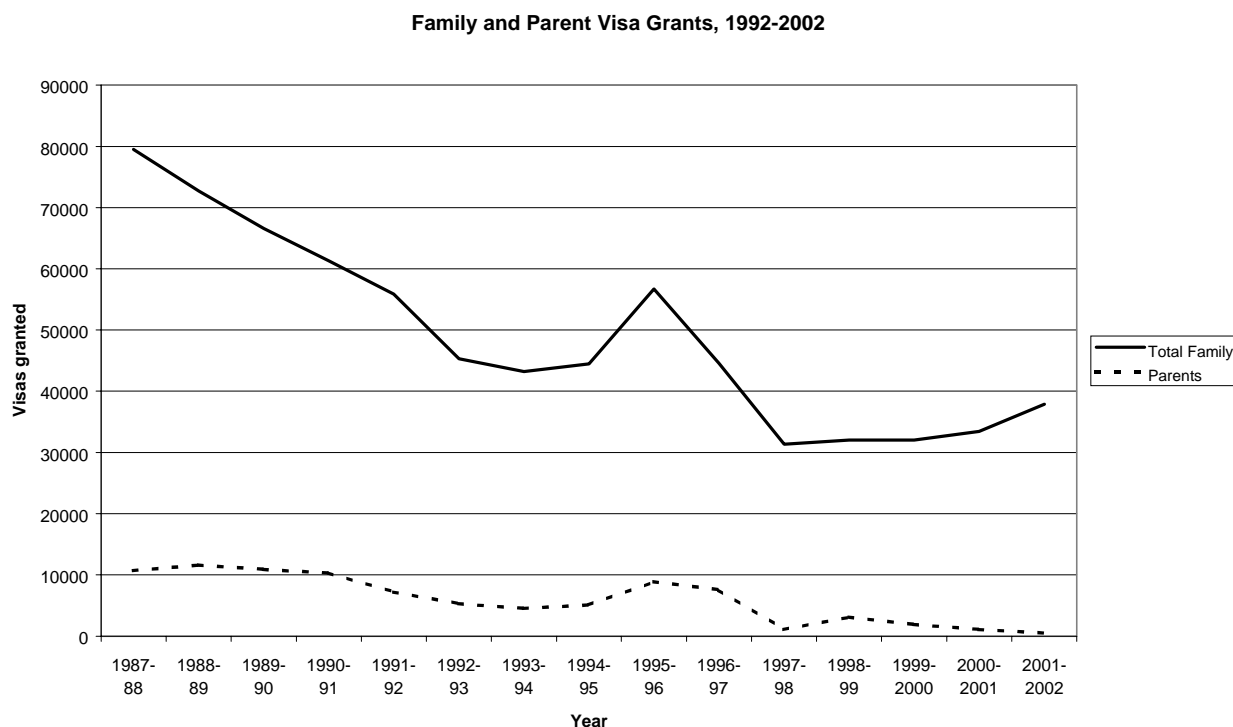
The Government has had concerns about the increasing number of Family Stream applicants who are parents and the costs to the community associated with their entry. Research indicates that these migrants have a greater dependency on services being used by our ageing population, especially health and social security benefits. Parents of working age also experience extreme difficulty in obtaining employment.<sup>13</sup>

The number of migrant visas granted to parents has fallen from 10,700 in 1987-88 and 8,890 in 1995-96<sup>14</sup> (under the previous Labor Government) to 1,070 in 2000-01 and 500 in 2001-02<sup>15</sup> under the Coalition Government (see graph below).

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Source: DIMIA, Population Flows: Immigration Aspects 1997 and 2001 editions

Government planning for 2002-03 breaks the family stream down as follows:

|                 |        |
|-----------------|--------|
| Spouse          | 32 000 |
| Fiancé(e)       | 4 800  |
| Child           | 2 700  |
| Parent          | 500    |
| Other           | 2 500  |
| Interdependency | 700    |

### The parent 'queue'

According to the Government 'there is currently a pipeline of 22,200 parents waiting to migrate to Australia'.<sup>16</sup> The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) website explains more specifically that 'there are around 12,000 parents in the queue and around 10,000 being processed toward placement in the queue.'<sup>17</sup>

As DIMIA's website notes, on 9 May 2001 the Minister issued a General Direction (under section 51 of the *Migration Act*) giving guidance on the order of priority for processing

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Family Stream applications. In general, a high priority is given to child and partner applications. Parent applications are given a low priority.<sup>18</sup>

There are claims that parents 'are on waiting lists that stretch for 40 years'.<sup>19</sup> However, according to DIMIA, as of 1 July 2002, 'offshore' applicants for a parent visa with 'a queue date' on or before 28 January 1999 would be eligible to be granted a visa in 2002-03.<sup>20</sup> This suggests that once applicants make it onto DIMIA's formal queue for parent visas, it may be around three and a half to four years before the application is finalised.

At the current reduced official migration rate of 500 parents per year, it is plain - as DIMIA itself notes - that 'parent applicants can expect a substantial wait before their application is finalised.'<sup>21</sup>

### Costs of parent migration

In the Second Reading Speech for the current Bill, the Minister referred to the 'high costs associated with parent migration', noting that 'the government is seeking a fairer contribution rather than a full recovery of the estimated costs of parent migrants'.<sup>22</sup>

In a 2000 press release, the Minister cited an estimate from the Department of Health and Aged Care that 'health costs for a person aged 65 can be around \$6,000 per annum', and noted that 'the cost of Special Benefit to the Department of Family and Community Services that a parent can access in lieu of the Age Pension is around \$8,500 per person per annum'.<sup>23</sup> In an earlier media release, the Minister referred to 'the average of \$28,000 that is spent on the health of a person over 65'.<sup>24</sup> And a 1998 Immigration Department study 'showed elderly migrants who had arrived in Australia over the previous 10 years were costing about \$400 million a year in direct social security payments'.<sup>25</sup>

In October 2002, at the request of DIMIA, the Australian Government Actuary produced a detailed report on the costs of the proposals in the current Bill.<sup>26</sup> The report notes that it is restricted to measuring the tangible costs to the Commonwealth of the 4,000 additional parent migrants:

As such, it ignores the benefits which such immigrants may provide to the Australian community, both tangible (such as provision of voluntary services or taxes which may be paid on income earned and goods consumed) and intangible in terms of their contribution to the richness and diversity of Australian society. These benefits would be difficult to quantify and are beyond the scope of the current project.<sup>27</sup>

The following two tables show the Government Actuary's summary of the projected net impact on Commonwealth cashflows for the next six years of the proposals in the current Bill (ie an additional 3,500 'contributory parent' visas and an extra 500 existing parent visas per annum).<sup>28</sup> Option 1 shows the financial impact if the health services charge is indexed in line with the consumer price index (CPI). Option 2 shows the financial impact if - as in the Government's proposal - the health services charge is indexed not according to the CPI but in line with a higher rate, on the basis that 'health costs have been found to increase over time at a rate faster than the...CPI'.<sup>29</sup> The report notes that its findings on

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the financial impact of the current Bill 'are very sensitive to the assumption on health cost inflation'.<sup>30</sup>

### Projected Net Impact on Commonwealth Cashflows

#### Option 1: Health services charge indexed in line with CPI

| <b>Year</b> | <b>Base Option (\$m)</b><br>(Ie \$25,000 health services charge paid up front) | <b>Split Option (\$m)</b><br>(Ie \$15,000 up front; \$10,000 up to 2 years later) |
|-------------|--|---|
| 2002/03     | 33.6   | 21.6  |
| 2003/04     | 62.1   | 44.4  |
| 2004/05     | 44.6   | 36.7  |
| 2005/06     | 24.4   | 21.8  |
| 2006/07     | 3.6  | 0.6   |
| 2007/08     | -19.8  | -23.4   |

#### Option 2: Health services charge indexed in line with 'effective rate of growth' in health services costs

| <b>Year</b> | <b>Base Option (\$m)</b><br>(ie \$25,000 health services charge paid up front) | <b>Split Option (\$m)</b><br>(ie \$15,000 up front; \$10,000 up to 2 years later) |
|-------------|--|---|
| 2002/03     | 33.6   | 21.6  |
| 2003/04     | 63.7   | 45.7  |
| 2004/05     | 47.9   | 39.8  |
| 2005/06     | 29.5   | 26.9  |
| 2006/07     | 10.7   | 7.6   |
| 2007/08     | -10.7  | -14.3   |

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The report notes that for the first five years:

the receipts from the health charge and other visa application charges are sufficient to offset the costs incurred. From the sixth year onwards, there is an increasing net cost to the Commonwealth. In the twentieth year after implementation, the net cost is over \$300m in current dollar terms (around \$1 billion in nominal dollars).<sup>31</sup>

In an earlier statement (September 2001) the Government estimated the welfare and health costs of the proposed measures over 20 years 'at \$4.54 billion in cash terms and \$1.55 billion in Net Present Value (NPV) terms'.<sup>32</sup>

The report concludes that:

The net impact of both the existing and proposed new category of parent immigrants is a substantial cost to Government. The health charge of \$25,000 represents about 12% of the gross costs of a single cohort of entrants, while the existing charge is about 0.5% of the costs.<sup>33</sup>

The report notes that a health charge of over \$200,000 per parent migrant would be required to cover the average total costs incurred by the Commonwealth.<sup>34</sup>

Others argue that the costs and benefits of parent migration should not be assessed on the basis of economic analysis alone.

The then chairman of the Ethnic Communities Council of New South Wales, Mr Paul Nicolau, said in 1999 that 'they can talk about economics but the real benefits are child care and the physical and emotional support....They are worth a lot more in dollars than the economic studies show'. Mr Nicolau described the Government's 1999 attempt to introduce a fee of \$16,000 per couple for parent migration as 'grossly unfair....It means the rich can get ahead in the queue and obtain their visas...There are lots of people who cannot afford to fork out \$16,000'.<sup>35</sup>

The President of the Migration Institute of Australia, Ray Brown, said in July 2000 that the Coalition Government's emphasis on skilled migration has produced economic benefits, but at the expense of family reunion programs:

The migration program has to be more than just an economic program. The benefits of the migration may be measured in a range of ways. One is straight economic impact. Another is the broad social fabric. Another is social harmony.<sup>36</sup>

Mr Brown's view is that a narrow focus on skilled migrants could, paradoxically, have an economic cost, citing reports that skilled business people are choosing alternative destinations 'because they know it will be almost impossible for their parents to migrate to Australia'.<sup>37</sup>

The Director of the Centre for Population and Urban Research at Monash University, Dr Bob Birrell, noted in 2000 that in the case of pension-aged migrants, the costs to Australia are reduced where there is a reciprocal pension agreement, as with Britain and New

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Zealand. However, according to Dr Birrell, ‘most of the parent queue is from poor Asian countries, including 40 per cent from China alone. There is no pension agreement with any Asian country; and most of the parents in question arrive with little money’.<sup>38</sup>

Dr Birrell noted the high proportion of such parent migrants receiving social security payments.<sup>39</sup> He observed that when combined with ‘medical and hospital benefits from the time of arrival’, this was ‘an enormous benefit to confer on people who have not contributed by way of insurance or previous taxes in Australia. Since a high proportion of the sponsors are recent arrivals, they too have contributed little in tax revenue.’<sup>40</sup>

Dr Birrell noted on the one hand that ‘very few countries other than Canada and the US provide for parent migration. Parents are denied entry throughout [mainland] Europe’. On the other hand, there was the expectation amongst Australia’s ethnic communities that if the government allows family and humanitarian entry, there is ‘a concomitant obligation to allow their families to follow. If entry is available only to the rich, it makes a mockery of the social purposes of family reunion.’<sup>41</sup>

## Overseas examples

**The United Kingdom** allows parents to migrate if they are ‘wholly or mainly financially dependent’ on their children living in the UK, without other close relatives in their own country to turn to, and if the children can support the parents (including with adequate accommodation) without help from public funds.<sup>42</sup> The parents may need to show evidence of financial support from the UK. If the parents are under 65 they qualify for migration only if they are living ‘in the most exceptional compassionate circumstances’.<sup>43</sup>

Parents of **New Zealand** citizens or residents are eligible to migrate if all of their adult children live outside their home country, or if the ‘centre of gravity’ of their family is in New Zealand.<sup>44</sup> The parents must be sponsored by an adult child who undertakes to provide accommodation and financial support for the first 24 months of their parents residence in New Zealand, and agrees to repay the New Zealand Government any costs resulting from failure to meet their obligations as sponsors.

In **Canada**, parents are eligible to migrate if a sponsoring relative signs an unconditional undertaking with the Minister of Citizenship and Immigration agreeing to provide all financial support for the next 10 years.<sup>45</sup>

**The United States** allows parents to migrate if a relative files an affidavit proving that their income is ‘125% above the mandated poverty line’ for their family, including the parent and all other sponsored family members. Along with spouses and unmarried children, parents receive preference ahead of other family members under US migration policy.<sup>46</sup>

Readers should note that a comprehensive survey of the international approach to parent migration is beyond the scope of this Digest. The above examples have been chosen on

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the basis that they are the most obvious comparable countries. It is worth noting that while each of the above countries requires some form of undertaking that a migrating parent will be financially supported by a resident relative, there is no reference in the material reviewed from these countries to any up-front charge for health or similar services, or to any requirement for relatives to lodge a monetary bond guaranteeing financial support of the parent.

## Opinions on the current Bill

The Minister for Immigration and Multicultural and Indigenous Affairs, Mr Ruddock MP, stated in November 2002 that

I have consulted widely on parent migration issues over several years and I am pleased to say that I have reached agreement with the Leader of the Democrats Senator Andrew Bartlett on these arrangements [ie those in the current Bill]. I expect the proposal will now receive parliamentary support.<sup>47</sup>

Senator Bartlett, however, said that while he felt the changes were positive, the Democrats would scrutinise the legislation carefully before making a final decision:

The Democrats are still uncomfortable that those who pay more for a visa can come to Australia faster, but we are pleased that another 500 people will have access to the current visa, in addition to the increase in numbers in the new visa category. This will relieve a lot of unnecessary heartache for many Australians seeking to be reunited with their parents.<sup>48</sup>

The Shadow Minister for Population and Immigration, Julia Gillard MP, said parent migration should not be 'the preserve of the rich....We will need some time to study this proposal to see whether it fits the test of equity'.<sup>49</sup>

In September 2001 the Minister released a discussion paper containing a number of options for user pays parent migration, including the proposal in the current Bill.<sup>50</sup> In response, the Chinese Community Social Service Centre said that it 'believes some of the proposals will disadvantage poorer migrants'.<sup>51</sup> The Springvale IndoChinese Mutual Assistance Association said that 'while the need for a financial contribution by the family had never been disputed, the current proposals were not viable or fair'.<sup>52</sup>

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## Main Provisions

### Schedule 1 – Visa Application Charge

**Schedule 1** of the current Bill amends the *Migration Act 1958*.

**Items 1 and 2** make minor changes to the *Migration Act 1958* consistent with provisions in the Migration (Visa Application) Charge Amendment Bill 2002 (**‘the Visa Charge Bill’**) applying the ‘visa application charge limit’ to the new contributory parent visas.

**Item 3** requires the Minister, before the start of each financial year, to publish the new ‘Contributory Parent Visa Composite Index’ (**‘the Index’**) proposed in the Visa Charge Bill. It also provides that the Index will not be invalid merely because the Minister fails to publish it as required.

The Index will be calculated each year by the Australian Government Actuary. The Index will be used to amend the visa application charge limit applicable to the proposed contributory parent visas. The explanatory memorandum to the Visa Charge Bill explains that the Index will be based mainly on the percentage annual increase in ‘Commonwealth Health Expenditure’, rather than changes in the consumer price index (CPI).<sup>53</sup>

The Visa Charge Bill sets the application charge limit for a contributory parent visa for the 2002-03 financial year at \$26,745.<sup>54</sup>

**Schedule 1** commences immediately after the commencement of the *Migration (Visa Application) Charge Amendment Act 2002*.

### Schedules 2 and 3

**Schedules 2 and 3** amend the Migration Regulations 1994 to create the new ‘contributory parent’ visas. As [Bills Digest No 200](#)<sup>55</sup> of 1999-2000 noted in relation to the Government’s 2000 proposal, using principal legislation to amend subordinate legislation (eg regulations) is unusual but would appear to be valid.

### Schedule 2 – Offshore contributory parent visas

**Items 19 and 20** set out the criteria for the new Subclass 143 Contributory Parent [Permanent] and Subclass 173 Contributory Parent (Temporary) visas. Parents of any age can apply for these visas, but must be outside Australia at the time the visa is granted. However, parents who first obtain a Subclass 173 two-year temporary visa can of course be within Australia when a Subclass 143 permanent visa is granted.

The criteria in **Item 19** for the grant of a subclass 143 permanent visa are broadly similar to the criteria for the existing subclass 103 parent visa.<sup>56</sup> For those parents who already hold a subclass 173 temporary visa, however, there are some new provisions – for

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example, additional health checks can be required for applicants who have recently travelled to high-risk countries.<sup>57</sup>

The criteria in **Item 20** for the grant of a subclass 173 temporary visa are based on the criteria for the existing subclass 103 parent visa.<sup>58</sup>

**Items 17 and 18** provide that any application for one of the existing parent visas must be withdrawn or ‘finally determined’ before a valid application can be made for a contributory parent visa.

**Items 12 and 13** establish the fee regime for the contributory parent visas, including the new ‘health services charge’. For those who wish to apply directly for a permanent parent visa without deferring any payments, there is a first instalment of \$1,175 payable at the time of application (the same as for the existing parent visas). A second instalment (the ‘health services charge’) of \$25,000 is payable before the grant of the visa. For a two-year temporary parent visa, the second instalment is \$15,000. Holders of temporary visas can then pay an additional \$10,000 (together with the ‘assurance of support’ bond as detailed below) to obtain a permanent parent visa, provided they apply before the expiry of their temporary visa.

The first instalment is waived for those who have already applied for one of the existing parent visas but decide to apply for a contributory parent visa instead.

**Items 6 and 7** amend the ‘assurance of support’ bond to be paid (normally by family members already resident in Australia) on behalf of those applying for contributory parent visas. These items increase the period of the bond from 2 to 10 years and increase the amount of the bond from \$4000 to \$10,000 (in respect of principal applicants) and from \$1,500 to \$4,000 (in respect of secondary applicants).

**Schedule 2** commences on a date to be fixed by proclamation but not before the commencement of the *Migration (Visa Application) Charge Amendment Act 2002*. If that Act does not commence within 6 months of Royal Assent being given to the present Bill, **Schedule 2** is repealed.

### Schedule 3 – Onshore contributory parent visas

**Schedule 3** establishes the new Subclass 864 Contributory Aged Parent and Subclass 884 Contributory Aged Parent (Temporary) visas. As for existing parent visas, only ‘aged parents’ (old enough to be granted an Australian age pension)<sup>59</sup> can apply from within Australia as a ‘primary applicant’ for a contributory aged parent visa. This restriction, however, does not affect ‘secondary applicants’ – ie someone who is part of the ‘family unit’ of a primary applicant for a contributory aged parent visa. This means, for example, that a husband and wife of different ages can make a joint application from within Australia for contributory ‘aged parent’ visas, even if one of them does not satisfy the definition of an ‘aged parent’. This has the further practical benefit under the new

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contributory visa regime of reducing the 'assurance of support' bond for such secondary applicants from \$10,000 to \$4,000.

**Schedule 3** commences on a date to be fixed by proclamation but not before the commencement of the *Migration (Visa Application) Charge Amendment Act 2002*. If that Act does not commence within 6 months of Royal Assent being given to the present Bill, **Schedule 3** is repealed.

## Concluding Comments

Parliament faces a basic policy decision on whether to require parent migrants to contribute to part of their social welfare costs, and if so, how much.

The \$25,000 per person health services fee will not entitle parent migrants to an equivalent monetary credit in medical and hospital services. Rather, it will provide some compensation to the Commonwealth for the access of parent migrants to Medicare, with the rationale that, unlike such migrants, other Australian citizens and residents have already contributed through taxes and health insurance to the cost of national health services before they reach an age when they have a higher demand for such services.

While the number of places available to parents under the existing 'non-user pays' regime will be doubled to 1,000, this will only return numbers to the level they had been reduced to in 2000-01.

As the Government Actuary noted, the fee regime for the additional 3,500 'user pays' parent visas is estimated to recover around 12% of the costs of parent migration, still leaving the other 88% to be borne by the Commonwealth. Members and Senators might note that the total costs to the Commonwealth of parent migration have already been significantly lessened because of the large reduction in parents allowed to migrate to this country in the last several years. As noted above, extension of reciprocal social welfare agreements could further reduce the costs of parent migration.

The level of the Government's proposed up-front charges for parents seeking to migrate will plainly make it difficult for some to do so. A charge of \$35,000 per individual (health services charge plus assurance of support bond) or \$64,000 per couple will be a substantial burden for most families wishing to reunite with their parents. The alternative option of an up-front payment of \$15,000 with a further \$20,000 to be paid by the parent and/or the family within 2 years would assist in spreading payments but may be of no real help to poorer families.

The brief survey above of the approach of other countries indicates that families are expected to carry much of the financial burden of migrating parents, at least for a set period. Without a substantial charge for a permanent visa, initial migration would be more affordable, but the longer term costs to the parent and/or family would still be significant.

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The central issue in the current Bill is that it not only requires, as in Canada, a 10 year guarantee from families to offset social security payments made to parent migrants, but on top of this it imposes up-front payment both of the \$25,000 health services charge and the \$10,000 'assurance of support' bond (albeit with a 2 year partial deferral option). The 'user pays' regime in the current Bill therefore builds on the most stringent requirements of other countries that allow parent migration by adding an additional and substantial up-front financial burden.

## Endnotes

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- 1 The 2000 Bill was introduced into the Senate on 27 June 2000, and debated on 5, 9 and 10 October 2000: see: Senate, Debates, 27 June 2000, pp. 15702–04; 5 October 2000, pp. 17914–38, 9 October 2000, pp. 18145–50, 10 October 2000, pp. 18202–04.
- 2 An assurance of support bond is a 'legal commitment by a person to repay to the Commonwealth of Australia any recoverable social security payments'. Such guarantees or undertakings have existed in Australia since Federation to compensate for the potential financial burden of new arrivals. See history in [Bills Digest No 200](http://www.aph.gov.au/library/pubs/bd/1999-2000/2000bd200.htm) (<http://www.aph.gov.au/library/pubs/bd/1999-2000/2000bd200.htm>).
- 3 The bond for the existing 'non-user pays' parent visa is \$3,500 for the principal applicant and \$1,500 for a spouse. This is on top of the initial application fee (presently \$1,175 for applicants outside Australia and \$1,745 for applicants inside Australia). See Department of Immigration and Multicultural and Indigenous Affairs [website](#) (at <http://www.dima.gov.au/allforms/pdf/990i.pdf>).
- 4 An **aged parent** is one who is old enough to be granted an Australian age pension. For male applicants the qualifying age for the Australian age pension is 65 and for female applicants the qualifying age is gradually being increased from 60 to 65 (for the year 2002, the qualifying age is 62). Under existing rules, only aged parents can apply within Australia for a parent visa. Parents of any age can apply from outside Australia for a parent visa: See DIMA [Fact Sheet 31](#) – Family Stream Migration: Parents (at <http://www.dima.gov.au/facts/31parents.htm>).
- 5 At: <http://www.aph.gov.au/library/pubs/bd/1999-2000/2000bd200.htm>.
- 6 Minister for Immigration and Multicultural Affairs, House of Representatives, *Debates*, 5 December 2002, p. 9563.
- 7 Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) [Fact Sheet 2](#) (at: <http://www.dima.gov.au/facts/02key.htm>).
- 8 DIMIA, [Immigration Update, 2001-2002](#) (at: [http://www.dima.gov.au/statistics/publications/immigration\\_update/immigration\\_update\\_main.htm](http://www.dima.gov.au/statistics/publications/immigration_update/immigration_update_main.htm)).
- 9 DIMA, [Consolidated Statistics Number 21, 1999-2000](#), Table 2.5 (at: [http://www.dima.gov.au/statistics/publications/consolidated\\_statistics/consolidated\\_statistics\\_main.htm](http://www.dima.gov.au/statistics/publications/consolidated_statistics/consolidated_statistics_main.htm)).

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- 10 Eg in 1993-94, there were 33,580 family arrivals compared to 12,794 in the skill category. DIMIA, [Consolidated Statistics Number 21, 1999-2000](#), Table 2.7.
- 11 Philip Ruddock MP, *News Release*, “Migration Outcomes for 1995-96”, 26 August 1996
- 12 Department of Immigration and Multicultural and Indigenous Affairs (DIMIA), [Fact Sheet 2](#) (at <http://www.dima.gov.au/facts/02key.htm>).
- 13 Minister for Immigration and Multicultural Affairs, Philip Ruddock MP, House of Representatives, *Debates*, 24 November 1999, p. 12608.
- 14 DIMIA, *Population Flows: Immigration Aspects*, 1997 edition.
- 15 DIMIA, [Population Flows: Immigration Aspects 2001 edition](#), Part 3 Family Migration p2 (at [http://www.immi.gov.au/statistics/publications/popflows2001/chapter2\\_3.pdf](http://www.immi.gov.au/statistics/publications/popflows2001/chapter2_3.pdf)).
- 16 Minister for Immigration and Multicultural and Indigenous Affairs, Philip Ruddock MP, House of Representatives, *Debates*, 5 December 2002, p. 9563. The size of the queue seems to be disputed by some within DIMIA. *The Canberra Times* reported in April 2000 that Department of Immigration Regional Director Peter Templeton ‘noted the 18,000 [the apparent size of the parent queue at that time] included everyone in the system whereas, after processing and eligibility checks, only 3,700 were in the queue’. See Graham Cooke, “Our fortress image is bad for business”, *The Canberra Times* 8 April 2000.
- 17 DIMIA, [Fact Sheet 31](#) – Family Stream Migration: Parents (at: <http://www.immi.gov.au/facts/31parents.htm>).
- 18 DIMIA, [Fact Sheet 37](#) – Processing Priorities (at: <http://www.immi.gov.au/facts/37processing.htm>).
- 19 Senator Andrew Bartlett, Media Release 02/532, ‘Democrats welcome the breakthrough in visa arrangements for parent migration’, 12 November 2002.
- 20 DIMIA, [Fact Sheet 21](#) – Managing the Migration Program (at: <http://www.immi.gov.au/facts/21managing.htm>).
- 21 DIMIA, [Fact Sheet 31](#) – Family Stream Migration: Parents (at: <http://www.immi.gov.au/facts/31parents.htm>).
- 22 House of Representatives, *Debates*, 5 December 2002, p. 9563.
- 23 Minister for Immigration and Multicultural Affairs, Philip Ruddock MP, *Press Release MPS 036/2000*, ‘4,000 Place Contingency Reserve for Migration of Parents’, 3 April 2000.
- 24 Minister for Immigration and Multicultural Affairs, Philip Ruddock MP, *Media Release*, ‘Disallowance strikes taxpayers and parent sponsors’, 31 March 1999.
- 25 Jon Marsh, ‘Immigrants’ Parents will die waiting, Government warned’, *Sydney Morning Herald* 11 March 1999. With around 63,000 parent migrants over this period, the average social security cost per migrant per annum was \$6-7,000.
- 26 Australian Government Actuary, [Introduction of a new category of parent migration – model of costs, 10 October 2002](#), at: [http://search.aph.gov.au/search/ParlInfo.ASP?Folder=MISCITEM&Criteria=item\\_id:784666;&action=bookmark](http://search.aph.gov.au/search/ParlInfo.ASP?Folder=MISCITEM&Criteria=item_id:784666;&action=bookmark).

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- 27 *ibid.*, p. 15.
- 28 *ibid.*, p. 10.
- 29 Explanatory memorandum to Migration (Visa Application) Charge Amendment Bill 2002 Bill, p4. The Actuary's report notes at p 3 that 'Health costs have historically grown faster than the general inflation rate and this is reflected in the adoption of a separate health inflation parameter which is applied to the health costs included in the model.'
- 30 Australian Government Actuary Report, p 3.
- 31 *ibid.*, p. 11.
- 32 Minister for Immigration and Multicultural and Indigenous Affairs, Philip Ruddock MP, *Press Release*, MPS 154/2001, 'Options for More Parent Migration', 12 September 2001.
- 33 *ibid.*, p. 15.
- 34 *ibid.*, p. 11.
- 35 Jon Marsh, 'Immigrants' Parents will die waiting, Government warned', *Sydney Morning Herald*, 11 March 1999.
- 36 Louise Dobson and Misha Ketchell, 'Australia's Immigration Policy', *The Age*, 29 July 2000.
- 37 *ibid.*
- 38 Bob Birrell, 'Immigrants: the facts', *The Age*, 6 July 2000.
- 39 'Most people aged 65-plus in 1996 who arrived in Australia between 1986 and 1990 from poor countries such as Lebanon, Turkey, the Philippines and Vietnam, and just on 50 per cent of those from China, Malaysia and India were receiving such benefits'; *Ibid.*
- 40 *ibid.*
- 41 *ibid.*
- 42 'Public Funds' include:
- Income Support/Jobseekers Allowance
  - Housing and homelessness allowance
  - Housing Benefit and Council Tax benefit
  - Working families tax credit
  - a social fund payment
  - Child Benefit, and
  - any disability allowance.
- See: United Kingdom Home Office, [UK Visas Guidance Note Family Members](http://www.ukvisas.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Pa&cid=1018721067523) (at: <http://www.ukvisas.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Pa&cid=1018721067523>).

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- 43 United Kingdom Home Office, [UK Visas Guidance Note Family Members](http://www.ukvisas.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1018721067523) (at <http://www.ukvisas.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1018721067523>).
- 44 New Zealand Immigration Service, [Information Sheet F4.1 'How do parents qualify for residence'?](http://www.immigration.govt.nz/operations_manual/5023.htm) ([http://www.immigration.govt.nz/operations\\_manual/5023.htm](http://www.immigration.govt.nz/operations_manual/5023.htm)). The 'centre of gravity' of a family is in New Zealand if at least as many children live in New Zealand as in any other single country.
- 45 Citizenship and Immigration Canada, ['Length of Time You Must Support a Sponsored Relative or Family Member'](http://www.cic.gc.ca/english/sponsor/support.html) (at <http://www.cic.gc.ca/english/sponsor/support.html>).
- 46 US Immigration and Naturalization Service, ['Immigration through a family member'](http://www.ins.usdoj.gov/graphics/services/residency/family.htm), (at <http://www.ins.usdoj.gov/graphics/services/residency/family.htm>)
- 47 Minister for Immigration and Multicultural and Indigenous Affairs, Philip Ruddock MP, Press Release MPS 097/2002, 'More Parent Migrants to be Reunited with their Families', 12 November 2002.
- 48 Senator Andrew Bartlett, Media Release 02/532, 'Democrats welcome the breakthrough in visa arrangements for parent migration', 12 November 2002.
- 49 *The Australian* 13 November 2002.
- 50 Minister for Immigration and Multicultural and Indigenous Affairs, Philip Ruddock MP, *Press Release* MPS 154/2001, 'Options for More Parent Migration', 12 September 2001.
- 51 *The Age* 13 September 2001.
- 52 *The Age* 13 September 2001
- 53 Explanatory Memorandum to Migration (Visa Application) Charge Amendment Bill 2002 Bill, p4.
- 54 Ie \$25,000 health services charge plus \$1,745 initial fee for overseas applicants.
- 55 At: <http://www.aph.gov.au/library/pubs/bd/1999-2000/2000bd200.htm>.
- 56 Explanatory Memorandum, p. 16. As the note to new clause 143.2 states, at least 1 member of the family unit must satisfy the 'primary criteria'. These include:
- being sponsored by a child who is an Australian citizen or permanent resident; or a New Zealand citizen who is a permanent resident in Australia; and
  - passing the "balance of family" test, ie having at least half of their children living in Australia or more children living in Australia than any other single country.
- Other members of the family unit (eg spouse) need only satisfy the 'secondary criteria'.
- 57 Clause 143.226, Explanatory Memorandum, p. 19.
- 58 Explanatory Memorandum, p 25.
- 59 See: note 4 above for definition of 'aged parent'.

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