

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 15 October 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(SE12/0252) PROGRAM – 1.1: Visa and Migration

Senator Back (written) asked:

Question amended from:

What appeal/waiver provisions may be applied for by a Temporary Residency visa (sub class 306) holder in regard to a Carer's Allowance where the spouse (Australian citizen) is in care?

To:

Which classes of humanitarian visa may be granted by DIAC that allows the recipient to immediately apply for the Carers Allowance or Carers payment? Why is the normal waiting period of 2 years before eligibility for the Carers Allowance that applies to a Temporary Resident (Partner) waived for these visas? What appeal/waiver provisions may be applied for by a Temporary Residency visa (sub class 309 or sub class 820 to receive a Carers Allowance where the spouse (an Australian citizen and War Disability Pensioner (TPI)) is invalided/disabled/incapacitated due to war service and the Temporary Resident partner is providing her veteran husband with care and support that otherwise would have to be provided by DVA? Does DIAC acknowledge that the current situation in regard to Temporary Resident partners of veterans is discriminatory and places the veteran with a non-Australian wife at a disadvantage in comparison to a veteran in similar circumstances whose spouse happens to be an Australian citizen?

Answer:

The Department of Immigration and Citizenship decides visa applications in accordance with the Migration Act and the Migration Regulations 1994, while decisions in relation to access to social security payments are made in accordance with the Social Security Act by the Department of Human Services. As such questions relating to access to Carer Allowance and Carer Payment would be better addressed to the Department of Human Services who administer these.