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Media release

For immediate release 21 March 2023

Over 100 organisations and experts call on federal government to end Australia's discrimination against migrants with disabilities

A group of more than 100 organisations and experts have signed an [OPEN LETTER](#) calling for urgent reform of Australia's migration health laws to remove their discriminatory impact on people with disabilities and health conditions. The letter is part of the [Welcoming Disability Campaign](#) led by Down Syndrome Australia and Australian Lawyers for Human Rights.

Under Australia's current legal framework, people are being refused Australian visas purely on the basis that they have a disability or health issue, even though they meet all of the other visa requirements

Natalie Wade, Chair of Disability Rights at ALHR said, "The Federal Government must change its migration laws so that people with disabilities or health issues are treated fairly and have their human rights respected and protected.

"The current approach is archaic, degrading and fails to take into account the applicant's, or their family's, ability to contribute socially and economically to the Australian community. It is also inconsistent with Australia's international legal obligations under core international human rights treaties, particularly the *Convention on the Rights of the Child* and the *Convention on the Rights of Persons with Disabilities*.

"The right to live free from discrimination on the basis of disability or health status is a fundamental human right belonging to every person. Australia's *Migration Act* should not be exempt from the standards upheld in our *Disability Discrimination Act* and Australia's migration health requirements should not breach our international obligations."

Darryl Steff, CEO of Down Syndrome Australia said, "Otherwise eligible families, who are already making significant contributions to our communities, are being told they have to leave Australia because they have a child with a disability or health condition. Not only is this policy unjust, it reinforces the stigma and discrimination that people with disabilities already face."

It's time for action so that families stop suffering. It has been three years since the United Nations Committee on the Rights of Persons with Disabilities [recommended](#) Australia amend its migration laws to ensure that people with disabilities do not face discrimination. It has been thirteen years since the Joint Standing Committee on Migration published its "Enabling Australia" [Report](#) recommending these outmoded requirements be replaced with a more modern approach that positively recognises individual and overall family contributions to Australia.

West Australian social worker and visa applicant, Shizleen Aishath, whose child with a disability was born in Australia, described the Australian Government's approach as non-inclusive, saying, "It's degrading and very inhumane. It is an unnecessary and heartbreaking experience where you have to prove your child's worth as a human being and fight a fight that is unnecessary, time-consuming and, in its entirety, very cruel."

Former Australian Disability Discrimination Commissioner, Graeme Innes AM said, "Australians value fairness and compassion. Our immigration policies should reflect this rather than treating people with a disability as a lesser valued class."

Sebastian Zagarella, CEO of People With Disability Australia, said, "The human rights of families and their children with disability migrating to Australia are currently disproportionately impacted by Australia's discriminatory and onerous migration health requirements. These families deserve a legal framework for visa decisions that is compatible with their fundamental rights and in line with our commitment as signatories to the United Nations Convention on the Rights of People with Disabilities.".."

Jan Gothard, Welcoming Disability Campaign Coordinator said, "Every visa applicant should have the right to argue that the benefits they bring to Australia outweigh any costs. Further, children with disabilities born in Australia should be granted an automatic waiver of the health requirement, just as we already do for humanitarian visa applicants."

The [Welcoming Disability Campaign](#) and signatories to the Open Letter are calling on the Ministers for Home Affairs and for Immigration to:

1. **Remove the exemption in the *Disability Discrimination Act 1992 to the Migration Act 1958*;**
2. **Undertake a costing review of the migration health requirements**
3. **Grant an automatic health waiver for all children with a disability or health condition born in Australia to temporary visa applicants if the family wants to apply for further visas.**

Ms Wade concluded, "Australia must replace its outmoded migration health requirements with a framework that is consistent with international human rights law standards and positively recognises individual and overall family contributions to Australian communities."

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*[Australian Lawyers for Human Rights \(ALHR\)](#) was established in 1993 and is a national association of Australian solicitors, barristers, academics, judicial officers and law students who practice and promote international human rights law in Australia. In March 2020, ALHR and [Down Syndrome Australia](#) launched the [Welcoming Disability](#) campaign. The campaign responds to ongoing discrimination faced by people with disabilities or health issues applying to come to Australia as temporary or permanent residents. Calling for immediate review of the 2010 parliamentary report *Enabling Australia: Inquiry into the Migration Treatment of Disability* and for a revived investigation into the application of migration laws to people with disability or with health issues, the Welcoming Disability campaign leads the important national conversation on the way prospective migrants and visitors to Australia who have health or disability-related issues are treated.*