



Media release: 16 October 2023

Disability Royal Commission recommends review of disability and health discrimination in Australia's migration laws

[Welcoming Disability](#), a joint civil society campaign led by Australian Lawyers for Human Rights (ALHR) and Down Syndrome Australia, has welcomed the Disability Royal Commission's recommendation to review discriminatory migration health requirements, which have been described as archaic and degrading by leading disability advocates.

Under Australia's current legal framework otherwise fully eligible visa applicants and their family members may be excluded based on their disability or health status.

The Commission's Recommendation 4.31 calls for the Australian Government to review Section 52 of the *Disability Discrimination Act 1992* (Cth) (DDA), in order to eliminate or minimise discrimination against people with living with disabilities or health conditions seeking to enter Australia.

ALHR Chair of Disability Rights, Natalie Wade said, "The current approach reinforces the stigma and discrimination that people living with disabilities and health conditions already face in Australia.

"It is archaic, degrading and fails to take into account their ability to contribute socially and economically to the Australian community," Ms Wade said.

Dr Jan Gothard, Welcoming Disability Migration Policy Advisor said, "Removing Section 52 of the *Disability Discrimination Act* (DDA), which exempts the *Migration Act 1958* (Cth) and those implementing it, from the DDA, is key to the objectives of the *Welcoming Disability* campaign.

"In addition, removing Australia's interpretative declaration to the *United Nations Convention on the Rights of Persons with Disabilities*, which has enabled the Australian government to continue to discriminate against people with disability in migration matters, is also a key objective of the *Welcoming Disability* campaign."

Darryl Steff, CEO of Down Syndrome Australia said, "Implementing the Commission's recommendation for a review should pave a way to eliminate the arbitrary, outdated and internationally out of step discrimination embedded in the Australian government's current migration health requirements.

"It has been thirteen years since the Joint Standing Committee on Migration published its *Enabling Australia* Report recommending the Federal Government replace this outmoded regime with an approach that is consistent with human rights and positively recognises individual and overall family contributions to Australia.

"It is now time for the Government to start work on these reforms," Mr Steff said.

Ms Wade concluded, "Prior to the release of the Commission's Recommendations, the Department of Home Affairs had commenced consulting with a range of community groups and government agencies regarding reforms to Australia's migration health requirements," she said.

"Welcoming Disability now calls on the Federal Government to act on the recommendation and ensure that any review specifically consider Australia's human rights law obligations.

"Any review must include community-wide, inclusive, accessible and transparent opportunities for people with disability and health conditions and their representative organisations to participate."

Contact: Michael Salmon, ALHR media manager: 0417 495 018