

## **7. Discrimination against migrants and refugees**

This is a plain English summary of Australia's 2019 CRPD Factsheet 7

### **Current laws**

Australia's current laws discriminate against migrants and refugees with disability and do not align with the CRPD.

People with disability and their families often have their visa application to live in Australia denied.

This is because they do not meet the strict health rules.

Health rules say people must not have a disease or condition which would cost Australia a lot of money or put Australian's at risk.

There is no mention of how people with disability and families contribute to society.

### **Comments**

Australia's Joint Standing Committee on Migration did an inquiry in 2010. They said the health rules discriminate against people with disability.

The UN Special Rapporteur on the human rights of migrants has also noted the health rules are discrimination.

In 2013 the CRPD Committee recommended Australia withdraw its interpretive declaration to CRPD Article 18, this has not happened.

## **Other issues**

Asylum seekers and people with disability on non-permanent visas are not able to access the National Disability Insurance Scheme (NDIS).

The scheme provides people with disability with necessary supports to live a good life and be included in the community.

To get the age or disability pension people need live in Australia for 10 years which means many migrants do not get the pension and are at risk.



## **What we recommend**

Change laws that discriminate against migrants and refugees with disability.

Remove the exemption in the Disability Discrimination Act as it applies to the Migration Act.

Make the visa application process easier and fairer.

Remove the 10 year waiting period for migrants to receive age or disability pensions.

End mandatory and indefinite detention of asylum seekers.