



**Submission to the
Joint Standing Committee on Migration**

**Inquiry into Immigration Treatment of
Disability**

OCTOBER 2009

The National Council on Intellectual Disability (NCID) was established over 50 years ago by parents and friends in an endeavour to improve the quality of life of people with intellectual disability and to fill the need for national unity and information.

The Council is the recognised national peak body with the single focus on intellectual disability, ie. our actions and priorities centre on issues that affect the lives of people with intellectual disability and their families. Our mission is to work to make the Australian community one in which people with intellectual disability are involved and accepted as equal participating members.

NCID has over 5,000 members representing all 8 States and Territories. In addition to having people with intellectual disability on its Board, NCID receives policy advice from Our Voice. Our Voice is a committee, the membership of which is exclusively people with intellectual disability representing all States and Territories.

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Valuing people ... not rules

People who are granted the right to migrate to Australia have been given that right because they meet certain criteria, eg, work skills, family connections, humanitarian issues, etc.

The question is: should having a disability be an additional 'disabling' criteria in assessing one's right to migrate to Australia?

The position of the National Council on Intellectual Disability (NCID) is that 'disability' must never be a consideration in any decision (except, perhaps, within the humanitarian category) and that the paramount consideration should be, does the person meet the migration criteria that applies to *all* people seeking migration to Australia.

To have disability as a criteria is in contravention of the UN Convention on the Rights of Persons with Disabilities — this is acknowledged by the Australian Government in its clarification statement accompanying its ratification of the Convention.

The UN Convention on the Rights of Persons with Disabilities is clear that people with disability must be treated in the same manner as all other people. NCID's position stated above is based on this principle.

The question thus becomes: why is disability a criteria and what are the consequences of this?

Disability is included within the health requirement that is intended to stop people from coming to Australia who will use (to a large degree) Australia's health

services and income support payments. But, little or no consideration is given to the benefits to the Australian community that the person or family will contribute.

Of great concern are the consequences of using the health requirement to exclude people from migrating. What sort of society do we want for Australia and are we not resurrecting the 'White Australia' policy as the 'No Disabled' policy?

The Australian Government cannot have it both ways! Either it values people with disability and the contribution they make to the Australian community or it sees them as a burden who should be excluded and services restricted to minimise their 'cost' to the community. Here we are not talking about migrants but Australian citizens who were born with a disability or have acquired one through an accident or disease. The Australian Government cannot say that it respects and values people with disability as long as they are Australian citizens, but that all other people with disability are burdens and have nothing of value to add to our lives/society. This is hypocritical and is seen by people with disability for what it is.

Politicians and bureaucrats may be able to live in a divided world, but the current state of disability support would cast doubt on this. Within your own mind, how do you reconcile that Australians with disability are good but that foreigners with disability are bad? We would strongly suggest that this contradiction will always be resolved in the negative, ie, all people with disability are burdens and have no value!

A common myth is that families living with disability and people with disability want to immigrate to Australia so that they can take advantage of Australia's 'generous' support network. To say that people will migrate to Australia because their son or daughter has a disability is not true. NCID is often asked about migration to Australia —our first response is never that they consider the health

requirements of the Immigration Act but that they consider the state of disability support in the country they are migrating from with that in State or Territory to which they intend migrating. Having made this consideration, many decide that the family as a whole is better off where they are!

Of the requests that NCID have received, all are migrating for either employment or because the majority of their family lives in Australia.

It is easy to endorse a set of words, such as the UN Convention on the Rights of Persons with Disabilities. It is a lot harder to act consistently and to implement the Convention in its entirety to demonstrate a commitment to valuing people with disability.

The National Council on Intellectual Disability supports the active involvement of the National Ethnic Disability Alliance (NEDA) in this review and requests that the Review Committee meet and consult with NEDA before producing its report.