

## 22. THE HEALTH REQUIREMENT

Australia enjoys some of the best health standards in the world. In order to maintain these standards people who want to migrate permanently, or stay in Australia temporarily, must satisfy the health requirement specified in the Migration Regulations.

### Background

The health requirement is designed to:

- minimise public health and safety risks to the Australian community;
- contain public expenditure on health and community services, including Australian social security benefits, allowances and pensions; and
- maintain access of Australian residents to health and other community services.

In line with Australia's global non-discriminatory immigration policy, the health requirement applies equally to all applicants from all countries, although the extent of testing will vary according to the circumstances of each applicant.

### Health checks required

#### *Permanent visa applicants*

All applicants for permanent visas, including the main applicant, spouse and any dependants, must be assessed against the health requirement. If the applicant's spouse and dependants are not included in the visa application they must nevertheless be assessed against the health requirement.

Applicants for a permanent visa will be asked to undergo a medical examination, an x-ray if 11 years of age or older and an HIV/AIDS test if 15 years of age or older, as well as any additional tests requested by the Medical Officer of the Commonwealth (MOC).

#### *Temporary visa applicants*

Applicants for temporary visas may be required to undergo a medical examination, chest x-ray and/or other tests depending on how long they propose to stay in Australia, their intended activities in Australia, the tuberculosis (TB) rating of current and previous countries of residence and other factors.

**DIMIA will provide applicants with details of the health checks required.**

### The decision process

For those applicants who require a medical and/or x-ray examination, a MOC will provide the department with an opinion on whether the health requirement has been met.

In doing so they will take into account:

- the results of the medical examination(s) and x-ray(s);
- medical history, age and period of intended stay in Australia; and
- other relevant considerations.

Under the Migration Regulations officers deciding visa applications must accept the opinion of the MOC on whether applicants meet the health requirement.

Only TB is mentioned in migration legislation as precluding the grant of a visa, but the applicant is given the opportunity to undergo treatment in most cases. Other health conditions are assessed on the potential cost and impact on the Australian community resulting from the possible use of health and community services.

The Migration Regulations allow a waiver of the need to meet the health requirement in some circumstances. The waiver is available if an application is based on humanitarian considerations (such as refugees), or a very close family relationship (such as a spouse or child) and exercised on a case-by-case basis. The waiver cannot be exercised where the visa applicant is assessed by a MOC as representing a risk to public health or safety in Australia.

Consideration of the waiver must take into account undue cost or undue prejudice to the access of Australians to medical and support services should a visa be granted. If the applicant does not meet the health requirement and the waiver is unavailable or not exercised, then under the Migration Regulations the application must be refused.

### Specific diseases or tests

#### *Tuberculosis*

TB is a serious disease which has been declared an epidemic and a global emergency.

Visa applicants aged 11 years of age or older must undergo a chest x-ray. Those under 11 may be required to have an x-ray if there are indications they have TB or have a history of contact with a person with TB. The purpose of the x-ray is to determine whether there is any evidence of either active or previous TB.

Evidence of active or previous TB will not, in itself, adversely impact on the outcome of the visa application.

Where x-rays show possible evidence of TB, the applicant will be asked to undergo more specific tests to establish whether or not active TB is present. If active or untreated TB is found, the applicant will be asked to undergo a course of treatment. Following this, the applicant will be asked to take further tests to confirm that the treatment has been successful. If the TB has been successfully treated, or the x-ray shows evidence of previous but now inactive TB, the applicant will be asked to sign an undertaking at the time of visa grant.

By signing the undertaking, the applicant agrees to contact the Health Undertaking Service on a free call number on arrival in Australia. The applicant also agrees to report for follow-up monitoring to a State or Territory health authority, as directed by the Health Undertaking Service. The visa is not at risk, once in Australia, no matter what status of tuberculosis is diagnosed as a result of the monitoring.

### **Hepatitis**

Although health authorities consider the risk of hepatitis transmission from newly arrived migrants to be low, screening for hepatitis is mandatory where the applicant is:

- pregnant;
- a child for adoption;
- an unaccompanied refugee minor child or
- intending to work as a doctor, nurse or dentist in Australia.

Examining doctors or MOCs may also ask any applicant to undergo tests for hepatitis where they consider it necessary. Where a test proves positive for hepatitis, the application will not necessarily be rejected although further tests may be required. In most cases the applicant will be asked to give an undertaking to report to the Health Undertaking Service for referral to State or Territory health authorities on arrival in Australia.

### **HIV/AIDS**

Permanent visa applicants 15 years of age or older must take an HIV/AIDS test. Permanent applicants aged under 15 years must also take this test if being adopted or there is a history of blood transfusions or other clinical indications.

Temporary visa applicants who intend to work as a doctor, nurse or dentist in Australia are required to take an HIV/AIDS test.

If the applicant is found to be HIV positive, a decision on whether the applicant meets the health requirement will be made on the same grounds as any other pre-existing medical condition. The main factor to be taken into account is the cost of the condition to the Australian community of health care and community services. Standard pre and post-test counselling must be provided by the doctor who examined the applicant.

### **Being overweight**

Being overweight is not in itself likely to lead to failure to meet the health requirement. If the applicant is assessed as being obese, related medical conditions will be explored. These include diabetes, heart disease (including hypertension) and arthritis. Such conditions may mean that the applicant is assessed as not meeting the health requirement.

### **Other tests**

Any other tests may be requested at any time by a MOC.

### **Additional information**

Information forms 1071i *Health requirement for permanent visas* and 1163i *Health requirement for temporary entry to Australia* are available at Australian overseas missions, DIMIA offices in Australia and on [www.immi.gov.au](http://www.immi.gov.au).

**Further information is available on the department's website:**

<http://www.immi.gov.au>

**The Department operates a 24-hour telephone inquiry line on 131 881, for the cost of a local call from anywhere in Australia.**

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