



# Health Requirement for permanent visas

# 1071i

Australia enjoys some of the best health standards in the world. In order to maintain these standards you must satisfy the health requirements specified in the Migration Regulations. Any dependants, even if they are not migrating, and family unit members who are included in the visa application are also required to satisfy health requirements.

## Why is there a health requirement for entry to Australia?

Anyone who is not an Australian citizen or permanent resident and wants to enter or stay in Australia must meet the health requirement, which 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 or pensions; and
- maintain access of Australian residents to health and other community services.

## Who must be assessed against the health requirement?

Temporary visa applicants should refer to Form 1163i *Health requirement for temporary entry to Australia*.

All applicants for permanent visas, the main applicant, spouse and any dependants (even if they are not included in this application or do not intend to migrate) must be assessed against the health requirement.

## How will I be assessed against the health requirement?

Applicants for permanent visas will be asked to undergo a medical examination (using Form 26), an x-ray (using Form 160) if 16 or older and a HIV/AIDS test (if 15 or older).

The examining doctor may ask you to undergo additional tests if necessary.

The Department of Immigration and Multicultural Affairs (DIMA) will provide applicants with details of the medical examination required.

Different processing arrangements apply for New Zealand citizens who should enquire at the nearest Australian mission overseas or DIMA office for information.

## Who will examine me?

Medical examinations and x-rays are conducted by qualified doctors and radiologists who, in most cases, are nominated by DIMA. You can contact a DIMA office or Australian mission overseas for further details.

If you are in an Australian capital city, you should attend Health Services Australia (HSA) for your medical examination. In country areas, you should contact the local HSA office to find out the details of an approved medical practitioner.

Should more detailed medical information be required, a Medical Officer of the Commonwealth (MOC) or the examining doctor may ask for specialist medical reports. This ensures that the most comprehensive information possible is used in assessing you against the health requirement.

## How does the Department decide if I meet the health requirement?

The MOC will provide DIMA with an opinion on whether you meet the health requirement. In doing so, they will take into account:

- the results of the medical examination/s and x-ray/s;
- medical history, age, 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.

The 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) but is exercised on a case by case basis and may not, in all cases, successfully overcome health objections. The waiver cannot be used where the visa applicant is assessed by an MOC as representing a risk to public health or safety in Australia.

Consideration of the waiver must take into account undue cost to the Australian community, and any undue prejudice to the access of Australians to medical and related services should a visa be granted. If you do not meet the health requirement and the waiver is unavailable or not exercised, then under the Migration Regulations your application must be refused.

## What effect will it have on my application if I have a medical condition?

### Tuberculosis (TB)

People aged 16 and over applying for a permanent visa must have an x-ray as part of their medical. Applicants under 16 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 (either active or a history) of TB.

Where x-rays show possible evidence of TB, you will be asked to undergo more specific tests to establish whether or not TB is present. If you are found to have active or untreated TB, you will be asked to undergo a course of treatment. Following this, you will be asked to take further tests to confirm that the disease has been treated. If your TB has been treated, or your x-ray shows evidence of previous but now non-active TB, you will be asked to sign an undertaking.

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

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## Hepatitis B

Australian health authorities consider that the risk of newly-arrived migrants transmitting hepatitis B is low. Screening is nevertheless mandatory if you are:

- pregnant
- a child for adoption, or
- an unaccompanied refugee minor.

Examining doctors or MOCs may also ask any applicant to undergo a test for hepatitis B where they consider it necessary. Where you test positive for hepatitis B, your application will not necessarily be rejected. In most cases, you 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 aged 15 or older will be required to take an HIV/AIDS test. Where aged under 15, applicants will also be required to take such a test if being adopted or there is a history of blood transfusions or other clinical indications.

If you are found to be HIV positive, a decision on your application is considered on the same grounds as any other pre-existing medical condition. As with any other pre-existing 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.

## Being overweight

Being overweight is not in itself likely to lead to failure to meet the health requirement. If you are assessed as being obese, some exploration of related medical conditions (which can exist or be emerging) will be made. These include diabetes, heart disease (including hypertension) and arthritis. Such conditions may mean that you are assessed as not meeting the health requirement.

## What if my application is refused?

Where you do not meet the health requirement and your application is refused, you may have review rights depending on the type of application you lodged. You will be notified of any review rights and provided with information on how to apply for review when DIMA advises you of the refusal decision.

If you seek review of the refusal, you or your sponsor (as appropriate) may submit further medical evidence to support your review application. Any new medical information, and the information upon which the original decision was based, will be sent to a MOC to have a fresh look at your case. Based on the opinion of the MOC, the review body may:

- set aside the refusal decision and substitute a new decision;
- affirm the Department's original decision; or
- refer your case back to DIMA for further consideration.

For further information on review and charges you can refer to the nearest Australian mission overseas or DIMA office.

## About the information that you give

DIMA is authorised to collect information on this form under the Migration Act 1958. Information, including the results of tests for Human Immunodeficiency Virus (HIV), will be used to assess your health for an Australian visa. A positive HIV or other test result will not necessarily lead to a visa being denied but it may mean that your result(s) will be disclosed to the relevant Commonwealth and State-Territory Health agencies.

### *DIMA enquiry line*

Telephone **131 881** for the cost of a local call (24 hours a day, 7 days a week). This number is available only in Australia. If you are outside Australia, please contact your nearest Australian mission.

### *Home page*

[www.immi.gov.au](http://www.immi.gov.au)