



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

UNHCR Representation in Canberra

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Subject: Review of Australia's visa significant cost threshold

The Office of the United Nations High Commissioner for Refugees welcomes the opportunity to provide views with respect to the review being undertaken by the Department of Home Affairs of Australia's visa significant cost threshold (SCT).

The discussion paper notes that the review intends to examine the Migration Health Requirement (under Public Interest Criteria 4005 and 4007 as contained in the Migration Regulations 1994) to ensure continued facilitation of a balance of fairness while containing public expenditure on health and community services.

Most Australian visas require applicants to meet a legislated health requirement. UNHCR seeks to address aspects of this requirement that may have disproportionately adverse implications for asylum-seekers, refugees, stateless persons, as well as beneficiaries of complementary forms of international protection.

As soon as an individual is recognized as a refugee, they should be entitled to a visa regularizing their stay, which allows the individual to access the rights to which they are entitled under international law.

Yet, as a result of policy shifts impacting particular refugee cohorts and the global drive for complementary pathways to facilitate third country solutions, refugees are increasingly arriving under non-humanitarian program pathways to Australia. This includes skilled pathways and family reunification which for some cohorts is only available through partner and other family streams.

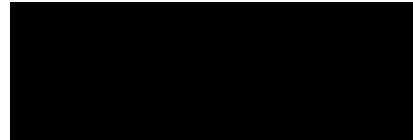
As the Health Requirement has the potential to have a disproportionately adverse impact on persons under UNHCR's mandate, **it is recommended that waiver provisions apply to refugees and split family members of refugees regardless of the class of visa they seek**, ensuring alignment for *all* refugees over which the Australia exercises jurisdiction.

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For the reasons stated above, it is therefore recommended that any changes made to the policy settings of the Migration Health Requirement safeguard Australia's ability to fully implement its international refugee and human rights obligations in good faith.

We remain available should you wish to discuss further.

Yours sincerely,



Adrian Edwards
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UNHCR, Canberra