



Australian Government

Department of Immigration
and Multicultural Affairs

Health Requirement for permanent entry to Australia

Form

1071i

Australia enjoys some of the best health standards in the world. In order to help maintain these standards you must satisfy the health requirements specified in the Migration Regulations before you can be granted a visa.

Why is there a health requirement for entry to Australia?

Australia's health requirements are 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 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 including the main applicant, spouse and any dependants must be assessed against the health requirement. If your spouse and dependants are not included in the visa application they must also be assessed against the health requirement.

New Zealand citizen sponsors of permanent visa applicants may be requested to undergo a health assessment. New Zealand sponsors should enquire at the nearest Australian mission overseas or office of the Department of Immigration and Multicultural Affairs (the department) for information about the health checks required.

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 if 11 years of age or older (using form 160) and a HIV/AIDS test if 15 years of age or older.

The department will provide applicants with details of the medical examination required.

The examining doctor may ask you to undergo additional tests if necessary. 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 is used in assessing you against the health requirements.

Who will examine me?

Medical examinations and x-rays are conducted by qualified doctors and radiologists nominated by the department. The costs of these examinations are paid by you directly to the doctors or clinics undertaking the examinations. There may be additional costs if further tests or couriers are required.

If you are **overseas** – do not complete your health examination before you lodge your visa application. The department will provide applicants with details of the medical examination required for your circumstances.

If you are in Australia, you should contact Health Services Australia (HSA). In Australian country areas, you should contact the nearest HSA office to find your nearest Approved Medical Practitioner. You can contact HSA on 1300 361 046 or at the website www.healthoz.com.au

How does the department decide if I meet the health requirement?

The MOC will provide the department 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). Exercise of the waiver is considered on a case by case basis and takes into account undue cost or undue prejudice to the access of Australians to medical and support services if a visa is granted. 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.

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 11 years of age or over applying for a permanent visa must have an x-ray as part of their medical. 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 (either active or a history) of TB.

Only TB is mentioned in migration legislation as precluding the issue of a visa, but opportunity is given to enable an applicant to undergo treatment in most cases.

Where x-rays show possible evidence of TB you will be asked to undergo more specific tests to establish whether or not active 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 successfully treated. If your TB has been successfully treated, or your x-ray shows evidence of unperpetuated but now non-active TB, you will be asked to sign an undertaking at the time of visa grant. This will not adversely affect the outcome of the visa application.

By signing the undertaking, you agree to contact the Health Undertaking Service on a free call number on arrival 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.

Hepatitis

Australian health authorities consider that the risk of newly-arrived migrants transmitting hepatitis is low. Screening for hepatitis 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 tests for hepatitis where they consider it necessary. Where you test positive for hepatitis, your application will not necessarily be rejected although further tests may be required. 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 15 years of age 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, ie. the main factor to be taken into account is the cost of the condition to Australia's health care and community services. Standard pre and post-test counselling must be provided by your panel doctor.

Being overweight

Being overweight in itself does not necessarily mean you will not 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 the department 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 the department for further consideration.

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

Consent to communicate electronically

The department may use a range of means to communicate with you. Electronic means such as fax or e-mail will only be used if you indicate your agreement to receiving communication in this way.

To process your application the department may need to communicate with you about sensitive information, for example, health, police checks, financial viability and personal relationships. Electronic communications, unless adequately encrypted, are not secure and may be viewed by others or interfered with. If you agree to the department communicating with you by electronic means, the details you provide will only be used by the department for the purpose for which you have provided them, unless there is a legal obligation or necessity to use them for another purpose, or you have consented to use for another purpose. They will not be added to any mailing list.

The Commonwealth Government accepts no responsibility for the security or integrity of any information sent to the department over the internet or by other electronic means.

If you authorise another person to receive documents on your behalf and they wish to be contacted electronically, their signature is required on the form to indicate their consent to this form of communication.

About the information that you give

The department is authorised to collect information provided on this form under Part 2 of the *Migration Act 1958* 'Control of Arrival and Presence of Non-Citizens'. Information will be used for assessing your eligibility for a visitor visa and for other purposes relating to the administration of the Migration Act.

The information on this form, 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. Your result(s) may be disclosed to the relevant Commonwealth, State and Territory Health agencies.

The information provided might also be disclosed to agencies who are authorised to receive information relating to adoption, border control, business skills, citizenship, education, health assessment, health insurance, health services, law enforcement, payment of pensions and benefits, taxation, review of decisions and registration of migration agents.

Information form 993i *Safeguarding your personal information*, available from offices of the department, gives details of agencies to which your information might also be disclosed.

Home page **www.immi.gov.au**

General enquiry line

Telephone **131 881** during business hours in Australia to speak to an operator (recorded information available outside these hours). If you are outside Australia, please contact your nearest Australian mission.