



**Multicultural Disability Advocacy
Association of NSW Inc**

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Submission: Australia's Humanitarian Programme 2016 – 2017 Discussion Paper

About MDAA

The Multicultural Disability Advocacy Association (MDAA) aims to promote, protect and secure the rights and interests of all people with disability, with a particular focus on those from non-English speaking (NES) / culturally and linguistically diverse (CALD) backgrounds. It is considered the peak organisation in NSW for people from NES / CALD backgrounds with disability, their families and carers.

Our vision is a society where everyone, regardless of background or disability feels welcomed, included and supported. MDAA has offices in Western, Southern and Inner City suburbs of Sydney; and in the NSW regions of Newcastle, Wollongong, Griffith and Bega.

MDAA is funded by the NSW and Commonwealth Governments to provide advocacy for individuals and on a systemic level. MDAA also runs projects to recognise and develop the skills and capacities of people from diverse backgrounds with disability and their carers, as well as conducting training to develop the capacity of society to meet the needs of people from diverse backgrounds with disability.

Shaping our Response

MDAA has been supporting people with disability, their families and carers, to navigate Australia's immigration processes for 20 years, during which time there has been considerable change.

We have chosen to submit only on the section of the Discussion Paper titled 'Recent Changes to the Migration Act 1958'. This is motivated by *extreme* concern for individuals with disability and families living in Australia with the recently introduced Safe Haven Enterprise visas (SHEVs). Our submission is shaped by recent experiences of our individual advocacy team in supporting people with disability living in Australia with SHEVs, as well as by the United Nations Convention on the Rights of Persons with Disability and other human rights treaties.

Recent Changes to the *Migration Act 1958*

As a result of the changes, any person who came to Australia without a valid visa cannot get a permanent protection visa, they may get only a temporary protection visa or a SHEV. When a temporary protection visa comes to an end a person can only move on to a SHEV.

Australia's commitment to the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment creates humanitarian obligations. This submission questions whether Australia is upholding those humanitarian obligations in granting only temporary protection to people who are at risk of persecution, abuse and death in their home countries.

People with disability and their families are often:

- Unable to work because of the impact of disability and caring responsibilities.
- Unable to secure housing that meets physical requirements related to the person's disability, is affordable and located within reasonable proximity to services and supports they rely upon.

However, those living in Australia with SHEVs are not eligible for social housing and are often paid only the most minimal Centrelink payments due to the 10 year waiting period for Disability Support Pension and 2 year waiting period for Carer Payment.

SHEVs are issued for five years with the expectation that the holder will return to his or her home country if possible. In order to apply for other types of visas, requirements related to working and/ or studying in regional areas and not claiming Centrelink benefits must be met. People with disability and their families find it almost impossible to meet these requirements because of the aforementioned disadvantages leaving them stuck in limbo. Even where it may be 'safe' to return to their home country it would create particular hardship for a person with disability and his or her family to leave Australia for a place where societal attitudes to disability are likely to be very different.

MDAA is supporting a single mother of two children (one son and one daughter who has a disability) living in Australia on a SHEV. The woman cannot work because her daughter has very high support needs and because she also has sole responsibility for her son. The family is paid a Centrelink payment and can barely meet basic costs of daily living. They initially lived in accommodation funded by the Department of Immigration but became ineligible for that support once they became holders of SHEVs. This led the service managing the accommodation to place the woman under considerable pressure to move out despite the extreme barriers she faces to privately renting an appropriate property. The family is not eligible for social housing. MDAA is extremely concerned that this family will be left homeless and at great risk. We are also concerned for the wellbeing of the mother who is managing many demands and great uncertainty about the future.

Conclusion

MDAA submits that the changes to the Migration Act 1958 to introduce Safe Haven Enterprise Visas are inconsistent with Australia's humanitarian aims and obligations. In particular, we have observed extremely negative consequences of the legislation for people with disability and their families, wholly inconsistent with Australia's commitment to the United Nations Convention on the Rights of Persons with Disability.