If you have been diagnosed with cancer, and you have immigrated from another country or you have family overseas, you may have questions about immigration law. You may wonder whether you are eligible for free health care in Australia, and whether members of your family can come to Australia to care for you.

This fact sheet covers the visa categories that might apply to you, as well as other issues such as Medicare and social security.

Visa categories

**Carers visas** – for people who need to come to Australia to care for a family member who has a medical condition, such as cancer. The person with cancer must be an Australian citizen or permanent resident, or an eligible New Zealand citizen. The following conditions also apply:
- the visa applicant (the carer) must meet health and character requirements (see next column)
- there must be no one else in Australia who can provide the same level of assistance to the patient
- the patient is likely to need ongoing care for at least two years.

**Medical treatment visas** – for people who need to travel to Australia for medical treatment or to donate an organ. A carer can apply for a visa to accompany the patient. You can apply for a short-term visa (3 month stay) or a long-term visa (3–12 month stay).

While in Australia the visa holder can study for up to 3 months but cannot work. They must also prove that they have enough money to cover all travel and treatment expenses as they’re not eligible to receive Medicare or other government benefits.

**Family visas** – for people who have a partner, parent or child living in Australia as a citizen or permanent resident. Different eligibility criteria apply to each visa type.

Visa requirements

**Health clearances**

- Applicants for permanent visas will need to have a health assessment that includes a medical examination, an x-ray (applicant must be 11 and older) and an HIV/AIDS test (must be 15 and older). The examinations are performed by doctors and radiologists chosen by the Australian Government.
- A visa will be refused if the applicant has a health condition that may require costly medical treatment, or services that are in short supply in Australia.
- Sometimes the health requirement will be waived for humanitarian visa applicants (e.g. refugees) or where the applicant has a close family relationship (spouse or child) with an Australian citizen or permanent resident.

**Character requirements**

- An applicant for a permanent visa must be of good character.
- The applicant may be requested to provide police certificates for each country where they have lived for 12 months or more during the last 10 years.

Assurances of support and bonds

An assurance of support is a legal agreement between an Australian resident (the assurer) and the Australian Government that the assurer will personally repay any social security payments made to a migrant during the initial period of their residency.

**Types of assurance of support**

**Mandatory** – People applying for a parent visa or aged dependent relative visa will need an assurance of support.

**Discretionary** – Assurance of support may be needed for some other visa types if the Government thinks the visa applicant may need to rely on Australia’s social security system. The Government will consider education, skills, employment history, English language skills and age of both the visa applicant and sponsor when making their decision.
Time periods
Assurances of support vary depending on the type of visa granted:
• for contributory parent and contributory aged parent visa holders the period is 10 years
• for all other visa types the period is 2 years.

The assurer does not have to repay social security benefits received after the time period has ended.

Bonds
An assurer providing a mandatory assurance of support must also lodge a cash bond with the Australian Government. If the migrant receives social security payments from Centrelink during the assurance of support period, the total amount paid is deducted from the bond. Centrelink will return the bond (or the amount remaining after deductions) to the assurer at the end of the assurance of support period. The bond amount is:

• Permanent Contributory Parent (including Contributory Aged Parent) – $10,000 for the main applicant and $4000 for the secondary applicant
• Permanent Parent (including Aged Parent), Aged Dependent Relative and Remaining Relative – $5000 for the main applicant and $2000 for the secondary applicant.

The assurance of support must be provided before the visa can be granted and cannot be waived.

Appealing visa decisions
If your visa application is refused, you can appeal to the Migration Review Tribunal. There is often a time limit for making an appeal. It costs $1540 to lodge an appeal application, but this can be reduced to $770 if the Tribunal considers that paying the full payment would cause substantial hardship.

If the tribunal makes a favourable decision in your case, $770 will be refunded and your case will be sent back to the Department of Immigration for further processing.

Eligibility for free medical treatment (Medicare)
Permanent visa holders – eligible to receive free medical treatment in the public hospital system through Medicare. Most visa applicants (except parent visa applicants) can enrol for Medicare while you wait for your visa application to be processed.

Temporary visa holders – not generally eligible for Medicare. Many temporary visa types require the holder to have private medical insurance.

Reciprocal Health Care Agreements
Australia has Reciprocal Health Care Agreements with several countries. Citizens or permanent residents of the United Kingdom, Sweden, Finland, Norway, the Netherlands, Belgium, Malta and Italy can receive free emergency medical treatment in Australia. Australian citizens and permanent residents can also receive free emergency medical treatment if they are visiting these countries.
Eligibility for social security (Centrelink) payments
Most new migrants will have a waiting period during which they are not eligible to apply for social security through Centrelink. Even after the waiting period, the migrant may still be within the assurance of support period, which means that their assurer needs to reimburse the Australian Government for any payments made by Centrelink to the migrant.

International Social Security Agreements
Australia has International Social Security Agreements with several countries. This means that any time you have lived in one of these countries can be counted towards the waiting period for Centrelink payments in Australia.

Usually, each country will pay you a part pension. You will be paid a proportion of the full foreign pension by the overseas (agreement) country, depending on how long you have lived there. Centrelink will pay you a ‘top up’ Australian pension. You can apply for both the foreign and Australian pensions by contacting Centrelink. For countries with which Australia does not have an agreement, you can only claim a foreign pension by contacting the local authority in the relevant country.

Eligibility to attend school
Children of temporary resident visa holders can enrol in an ACT public school from Kindergarten through to Year 12. Parents will need to fill out an application form for Dependents of Temporary Residents and pay the tuition and administrative fees. The current fees range from $3600 (preschool) to $13,900 (years 11 to 12) for one year. An application fee of $225 is also required. Fees do not cover school uniforms, excursions or medical expenses. Holders of certain temporary visa classes may not have to pay fees. See www.det.act.gov.au.

Partner visa holders experiencing family violence
If you hold a family stream visa (such as a partner or spouse visa), you can apply for your own permanent visa after a certain amount of time. To be eligible, you usually need to remain in the married/de facto relationship at least up until you make the application.

If you are experiencing family violence (either actual or threatened), and can prove that your relationship was genuine, but it has now broken down due to family violence, you do not need to continue living together to make an application for permanent residency.

Where to get help and information
- Department of Immigration www.immi.gov.au/immigration/ 13 18 81
- Department of Human Services www.humanservices.gov.au
- Education and Training Directorate www.det.act.gov.au
- Cancer Council 13 11 20

*The Human Services website covers the services of Medicare and Centrelink.

This fact sheet provides general information, which may be relevant to ACT only, and is not a substitute for legal advice. You should talk to a lawyer about your specific situation.