



**Commonwealth of Australia**

***Migration Regulations 1994***

**REQUIRED HEALTH ASSESSMENT**

(Clauses 4005, 4006A and 4007)

I, *SCOTT MORRISON*, Minister for Immigration and Border Protection, acting under clauses 4005, 4006A and 4007 of Schedule 4 to the *Migration Regulations 1994* ('the Regulations'):

1. REVOKE Instrument number IMMI 13/079 signed on 11 June 2013 specifying required health assessments for the purposes of clauses 4005, 4006A and 4007 of the Regulations; AND
2. SPECIFY that a person, who is a citizen of a country or who has spent three or more consecutive months during the last 5 years in a country listed in Column A of Schedule 1 to this Instrument, is a class of person for the purposes of paragraph 4005(1)(aa), 4006A(1)(aa) and 4007(1)(aa) of the Regulations; AND
3. SPECIFY that, for the purposes of 4005(1)(aa), 4006A(1)(aa) and 4007(1)(aa) of the Regulations, the medical assessments specified in Column B, C, D and E that appear in Schedule 1 to this Instrument apply to a class of persons specified at Item 2 of this Instrument; AND
4. SPECIFY that a person, who is a citizen of a country or who has spent three or more consecutive months during the last 5 years in a country listed in Column A of Schedule 2 to this Instrument, is a class of person for the purposes of paragraph 4005(1)(aa), 4006A(1)(aa) and 4007(1)(aa) of the Regulations; AND
5. SPECIFY that, for the purposes of paragraph 4005(1)(aa), 4006A(1)(aa) and 4007(1)(aa) of the Regulations, the medical assessments specified in Column B, C, D and E that appear in Schedule 2 to this Instrument apply to a class of persons specified at Item 4 of this Instrument; AND
6. SPECIFY that a person who is a citizen of a country or who has spent three or more consecutive months during the last 5 years in a country listed in Column A of Schedule 3 to this Instrument, is a class of person for the purposes of paragraph 4005(1)(aa), 4006A(1)(aa) and 4007(1)(aa) of the Regulations; AND
7. SPECIFY that, for the purposes of paragraph 4005(1)(aa), 4006A(1)(aa) and 4007(1)(aa) of the Regulations, the medical assessments specified in Column

B, C, D and E that appear in Schedule 3 to this Instrument apply to a class of persons specified at Item 6 of this Instrument; AND

8. SPECIFY that, for the purposes of paragraph 4005(1)(aa), 4006A(1)(aa) and 4007(1)(aa) of the Regulations where a person is a class of person in more than one Column A of Schedules 1, 2 or 3 the relevant Schedule is the highest number Schedule; AND
9. SPECIFY that, for the purposes of subparagraphs 4005(1)(aa)(ii), 4006A(1)(aa)(ii) and 4007(1)(aa)(ii) of the Regulations, medical examinations conducted within Australia must be conducted by Medibank Health Solutions or an Approved Medical Practitioner; AND
10. SPECIFY that, for the purposes of subparagraphs 4005(1)(aa)(ii), 4006A(1)(aa)(ii) and 4007(1)(aa)(ii) of the Regulations, medical examinations conducted outside Australia must be conducted by Panel Doctors and/or radiologists appointed by the Australian Government to perform medical examinations for visa applicants outside Australia.

This Instrument, number IMMI 13/114, commences on **23 November 2013.**

Dated 1 November 2013

SCOTT MORRISON

Minister for Immigration and Border Protection

## Schedule 1

Column A	Column B	Column C	Column D	Column E
<b>Country of citizenship; or country where the applicant has spent 3 or more consecutive months in the last 5 years in a LOWER risk country</b>	<b>Temporary stay in Australia up to and including 12 months</b>	<b>Temporary stay in Australia of more than 12 months</b>	<b>Permanent and provisional visa applicants</b>	<b>Additional medical assessments</b>
Albania, American Samoa, Andorra, Antigua and Barbuda, Aruba, Australia, Austria, Bahamas, Barbados, Belgium, Bermuda, British Virgin Islands, British West Indies, Canada, Cayman Islands, Channel Islands, Cook Islands, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Falkland Islands, Faroe Islands, Finland, France, Germany, Gibraltar, Greece, Greenland, Guadeloupe, Grenada, Iceland, Ireland, Isle of Man, Israel, Italy, Jamaica, Jan Mayen, Jordan, Liechtenstein, Luxembourg, Malta, Martinique, Monaco, Montserrat, Netherlands, Netherlands Antilles, New Zealand, Norway, Oman, Pitcairn Islands, Puerto Rico, Saint Helena, Saint Barthélemy, Saint Kitts and Nevis, Saint Lucia, Saint Martin, Saint Pierre and Miquelon, San Marino, Slovakia, Slovenia, South Georgia and South Sandwich Islands, Svalbard, Sweden, Switzerland, Tokelau, United Arab Emirates, United Kingdom and Northern Ireland, United States of America, United States Virgin Islands, Vatican City	No medical assessment other than additional medical assessments specified in Column E of this Schedule	No medical assessment other than additional medical assessments specified in Column E of this Schedule	<p><b>Under 11 years of age:</b> Medical examination</p> <p><b>Aged 11 and older and under 15 years of age:</b> Medical examination and chest x-ray</p> <p><b>Aged 15 years of age or older:</b> Medical examination, chest x-ray, and HIV test</p>	<p><b>Likely to work or be a trainee at an Australian Childcare centre (including preschool and crèche):</b> Chest x-ray</p> <p><b>Intending to work as (or study to be) a doctor, dentist, nurse or paramedic:</b> Chest x-ray, medical examination, HIV test, Hepatitis B and C tests</p> <p><b>Pregnant and intending to have the baby in Australia:</b> Hepatitis B test</p> <p><b>Aged 75 years and older and applying for a Subclass 600 or Subclass 676 visa:</b> Medical examination</p>

## Schedule 2

Column A	Column B	Column C	Column D	Column E
<b>Country of citizenship; or country where the applicant has spent 3 or more consecutive months in the last 5 years in a MEDIUM risk country</b>	<b>Temporary stay in Australia up to and including 12 months</b>	<b>Temporary stay in Australia of more than 12 months</b>	<b>Permanent and provisional visa applicants</b>	<b>Additional medical assessments</b>
<p>Anguilla, Argentina, Belize, Brazil, Bulgaria, Chile, Colombia, Dominica, Egypt, Fiji, French Polynesia, Honduras, Hungary, Japan, Kuwait, Lebanon, Libya, Macedonia (the former Yugoslav Republic of), Maldives, Mauritius, Mexico, Montenegro, New Caledonia, Niue, Panama, Poland, Portugal, Saint Vincent and the Grenadines, Saudi Arabia, Samoa, Serbia, Seychelles, Singapore, Spain, Suriname, Tahiti, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turks and Caico Islands, Uruguay, Venezuela, Wallis and Futuna Islands, West Bank and Gaza Strip</p>	<p>No medical assessment required other than additional medical assessments specified in Column E of this Schedule</p>	<p><b>Under 11 years of age:</b> Medical examination and any additional medical assessments specified in Column E of this Schedule</p> <p><b>Aged 11 or older:</b> Medical examination, chest x-ray and any additional medical assessments specified in Column E of this Schedule</p> <p><b>Aged 11 years and older and applying for a Subclass 457 visa:</b> Chest x-ray and any additional medical assessments specified in Column E of this Schedule</p>	<p><b>Under 11 years of age:</b> Medical examination</p> <p><b>Aged 11 or older and under 15 years of age:</b> Medical examination and chest x-ray</p> <p><b>Aged 15 years or older:</b> Medical examination, chest x-ray, and HIV test</p>	<p><b>Likely to enter a classroom situation for more than 3 months:</b> Chest x-ray and medical examination</p> <p><b>Intending to work as (or study to be) a doctor, dentist, nurse or paramedic:</b> Chest x-ray, medical examination, HIV test, Hepatitis B and C tests</p> <p><b>Likely to work (or be a trainee) at an Australian Childcare centre (including preschool and crèche):</b> Chest x-ray</p> <p><b>Likely to enter a health care or hospital environment:</b> Chest x-ray</p> <p><b>Pregnant and intending to have the baby in Australia:</b> Hepatitis B test</p> <p><b>Aged 75 years and older and applying for a Subclass 600 or Subclass 676 visa:</b> Medical examination</p>

## Schedule 3

Column A	Column B	Column C	Column D	Column E
<b>Country of citizenship; or country where the applicant has spent 3 or more consecutive months in the last 5 years in a HIGHER risk country</b>	<b>Temporary stay in Australia up to and including 12 months</b>	<b>Temporary stay in Australia of more than 12 months</b>	<b>Permanent and provisional visa applicants</b>	<b>Additional medical assessments</b>
Afghanistan, Algeria, Angola, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, China (People's Republic of), Comoros, Congo (Republic of the), Cote d'Ivoire (Ivory Coast), Croatia, Democratic People's Republic of Korea (North Korea), Democratic Republic of the Congo (Zaire), Djibouti, Dominican Republic, East Timor (Timor Leste), Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, French Guiana, Gabon, Gambia, Georgia, Ghana, Guam, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hong Kong SAR of the PRC, India, Indonesia, Iran, Iraq, Kazakhstan, Kenya, Kiribati, Kosovo, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lesotho, Liberia, Lithuania, Macau SAR of the PRC, Madagascar, Malawi, Malaysia, Mali, Marshall Islands, Mayotte, Mauritania, Melanesia, Micronesia (Federated States of), Moldova, Mongolia, Morocco, Mozambique, Myanmar (Burma), Namibia,	<b>3 months or under stay in Australia: No medical assessment</b> other than additional medical assessments specified in Column E of this Schedule  <b>More than 3 month stay in Australia and 11 years or older:</b> Chest x-ray and any additional medical assessments specified in Column E of this Schedule  <b>More than 3 months stay in Australia and under 11 years of age:</b> Medical examination	<b>Under 11 years of age:</b> Medical examination and any additional medical assessments specified in Column E of this Schedule  <b>Aged 11 or older:</b> Medical examination, chest x-ray and any additional medical assessments specified in Column E of this Schedule  <b>Aged 11 years and older and applying for a Subclass 457 visa:</b> Chest x-ray and any additional medical assessments specified in Column E of this Schedule	<b>Under 11 years of age:</b> Medical examination  <b>Aged 11 or older and under 15 years of age:</b> Medical examination and chest x-ray  <b>Aged 15 years or older:</b> Medical examination, chest x-ray, and HIV test	<b>Likely to enter a classroom situation for more than 3 months:</b> Chest x-ray and medical examination  <b>Intending to work as (or study to be) a doctor, dentist, nurse or paramedic:</b> Chest x-ray, medical examination, HIV test, Hepatitis B and C tests  <b>Likely to work (or be a trainee) at an Australian Childcare centre (including preschool and crèche):</b> Chest x-ray  <b>Likely to enter a health care or hospital environment:</b> Chest x-ray  <b>Pregnant and intending to have the baby in Australia:</b> Hepatitis B test  <b>Aged 75 years and older and applying for a Subclass 600 or Subclass 676 visa:</b> Medical examination

<p>Nauru, Nepal, Nicaragua, Niger, Nigeria, Northern Mariana Islands, Pakistan, Palau (Republic of), Papua New Guinea, Paraguay, Peru, Philippines, Pleasant Island, Qatar, Republic of Korea (South Korea), Reunion Islands, Romania <b>Russian Federation</b>, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Swaziland, Syria, Taiwan, Tajikistan, Tanzania, Thailand, Tibet, Togo, Turkmenistan, Tuvalu, Uganda, Ukraine, Uzbekistan, Vanuatu, Vietnam, Yemen, Zambia, Zimbabwe.</p>				
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## **EXPLANATORY STATEMENT**

### *Migration Regulations 1994*

## **REQUIRED HEALTH ASSESSMENT**

(Clauses 4005, 4006A and 4007)

1. This Instrument is made under clauses 4005, 4006A and 4007 of the *Migration Regulations 1994* (“the Regulations”).
2. Paragraphs 4005(1)(aa), 4006A(1)(aa) and 4007(1)(aa) of the Regulations provide that the Minister may specify, in an instrument in writing, the classes of persons who must undertake specified medical examinations. Additionally, subparagraphs 4005(1)(aa)(ii), 4006A(1)(aa)(ii) and 4007(1)(aa)(ii) provide that the Minister, in an instrument in writing, may specify who is to conduct the medical examinations specified for each class of persons.
3. The purpose of the Instrument is to **specify what medical examinations must be carried out for each class of persons** defined in the Instrument and who is to carry out the medical examinations.
4. The effect of the amendment to this Instrument is to update the risk levels of countries to reflect the current threat that Tuberculosis poses to public health.
5. Pursuant to section 18 of the *Legislative Instruments Act 2003* consultation was not necessary. The Instrument is of a minor or machinery nature and does not substantially alter existing arrangements.
6. The Office of Best Practice Regulation was consulted in relation to this legislative amendment and has advised that a Regulatory Impact Statement is not required (OBPR Reference number 2013/15154).
7. Under subsection 44 of the *Legislative Instruments Act 2003* the Instrument is exempt from disallowance and therefore a Human Rights Statement of Compatibility is not required.
8. This Instrument number, IMMI 13/114, commences on **23 November 2013**.