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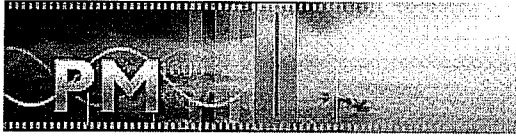
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Mark Colvin presents PM Monday to Friday from 5:10pm on Radio National and 6:10pm on ABC Local Radio.

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Calls to help German doctor with disabled son



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PM - Friday, 31 October , 2008 18:10:00

Reporter: Karen Barlow

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BRENDAN TREMBATH: The Federal Government is under pressure to overturn an Immigration Department decision and grant permanent residency to a German doctor with a disabled son.

The teenager has Down syndrome and Immigration officials say this would be a significant cost to the community.

Victoria's government says it is a stupid decision.

But the office of the Immigration minister says he is legally hamstrung and the case must be allowed to run its course.

Similar cases are emerging with aspirant permanent residents assuring authorities their disabled children won't be a burden on the Australian health care system.

Karen Barlow reports.

UNA PARKS: Music, you want music?

STAN PARKS: Music.

UNA PARKS: Music.

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KAREN BARLOW: For Una Parks it is a full time job looking after her autistic five-year-old son Stan.

UNA PARKS: I was told by a therapists that they said you don't know what a gift your son is to our therapists, because he's a very happy child who

STAN PARKS: (Squeals)

UNA PARKS: That's his happy squeal (laughs).

He's a very happy child and he is very special. I don't know what it is about him but people just love him.

KAREN BARLOW: Stan Parks was initially diagnosed with his condition three years ago, two years after the Parks family moved to Sydney from England.

The father John Parks was sponsored by his company to come to Australia to work in IT. But Una Parks says attempts to permanently stay in Australia have stalled.

UNA PARKS: We have been told that our application will be denied.

KAREN BARLOW: Who told you that?

UNA PARKS: Our immigration lawyer.

KAREN BARLOW: What's your understanding of why it would be refused?

UNA PARKS: Okay, so the basis of it is that they would cost the Australian Government a lot of money; more than \$20,000 a year I think is their criteria for approving a situation. Although you know they don't spend that on children with autism anyway, so you don't spend more than that on Australian residence, don't get any more than that. So it is below that threshold but it still falls into that category.

KAREN BARLOW: So what do you say to that? You're obviously pursuing your claim to stay?

UNA PARKS: Well clearly it's very upsetting. It's hard enough having a child with special needs without being told that you're not wanted by the country.

And you know, we feel we contribute hugely, not just financially, which even if we were Australian residents we would have had to pay the same amount that we've paid out, which has been; last year it was \$45,000 in employing therapists to work with our son and a provider, so that's all going straight back into the Australian economy.

So we've employed, not only through my husband's company employing people but also we've employed people and then as far as, you know I've done fund raising for the local schools, I've been heavily involved in that.

KAREN BARLOW: It's a similar case to that of German doctor Bernhard Moeller, who's been living and working Rural Victoria for the past two years.

The Commonwealth Medical Officer has ruled that 13-year-old Lukas Moeller, who has Down syndrome, will, in the words of the Immigration Department be a "significant and ongoing cost to the Australian community".

So the Moeller family's application for permanent residency has been denied, despite family assurances that his medical needs will be paid for privately.

Immigration lawyer David Prince says the Moeller's assurances are irrelevant.

DAVID PRINCE: With good reason that the Australian government in general doesn't want to import medical expenses. Australia's got a very good public health system. As Australians we like to complain that Medicare's not perfect, but compared to most countries overseas, our system's a Rolls Royce system.

And once someone gets permanent residence, it is their absolute right to have Medicare. Now someone can't contract out of it; someone can't say, give me my permanent residence and I promise to never to use Medicare. It's just not right, how could they possibly predict what could happen in the future.

KAREN BARLOW: The immigration law system is complex to navigate and David Prince suspects that Dr Moeller may have had bad advice about which visa to apply for.

DAVID PRINCE: Well the visa he's applied for it appears to be colloquially called a points test visa. It's a visa designed for people who are tertiary qualified, highly skilled, fluent English under 45, who are in general a major employment asset for the country. That type of visa has the inflexible health test such that you have to be very health, no member of your family can be unhealthy or have a serious medical problem that will cost the Australian government money.

KAREN BARLOW: So you're saying there is another type of visa which is the perfect solution for the doctor?

DAVID PRINCE: Well certainly there's another visa which is a much better solution with prospects of success.

KAREN BARLOW: The Immigration Minister Chris Evans has says he can't intervene in the doctor's case until the Migration Review Tribunal and court appeals run their course.

The Victorian Premier John Brumby says the Immigration Department has made a stupid decision and he says he'll do all he can to have it reversed.

Immigration lawyer David Prince says there is something the state governments can do for these types of immigration situations.

DAVID PRINCE: Well the good thing is we don't need ministerial say. Unlike the media coverage now is talking about various appeals being lodged and at the end of that long process maybe then Senator Chris Evans being able to intervene at that point. The 856 or 857 visa - if and only if - the state or territory government participates in this special programme, it would allow the Department of Immigration itself to waive the medical problems, basically the problem goes away.

BRENDAN TREMBATH: Immigration lawyer David Prince ending Karen Barlow's report.

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