

EXPLANATORY STATEMENT

Migration Regulations 1994

CLASS OF PERSONS

(PARAGRAPHS 200.211(1A)(a) AND 201.211(1A)(a))

1. This Instrument is made under paragraphs 200.211(1A)(a) and 201.211(1A)(a) of Schedule 2 to the *Migration Regulations 1994* ('the Regulations').
2. Subclauses 200.211(1A) and 201.211(1A) of the Regulations provide that an applicant for a subclass 200 (Refugee) visa meets the requirements of subclause (1A) if the Minister has specified, in an instrument in writing, one or more classes of persons for the paragraph, and a relevant Minister has certified that the applicant is in one of those classes and is at risk of harm.
3. Subclauses 200.211(1B) and 201.211(1B) require that before making the instrument, the Minister must consult the Prime Minister, the Minister for Finance and Deregulation and any other relevant Minister with an interest in the specification.
4. The purpose of the Instrument is to allow the Minister to specify a class of persons who may be eligible for the grant of subclass 200 (Refugee) and subclass 201 (In-country Special Humanitarian) visa.
5. The Instrument operates to specify a class of persons who may be eligible for the grant of a subclasses 200 or 201 visa by virtue of being within a class of person that may be at risk of harm as a result of their employment by an Australian agency in Iraq or Afghanistan.
6. As required, consultation was undertaken before the instrument was made with the Prime Minister, the Minister for Finance and Deregulation, the Minister for Defence, the Minister for Foreign Affairs and the Attorney-General.
7. The Office of Best Practice Regulation has advised that a Regulatory Impact Statement (RIS) is not required (OBPR reference 14424).

8. Under section 44 of the *Legislative Instruments Act 2003* the Instrument is exempt from disallowance and therefore a Human Rights Statement of Compatibility is not required.

9. The Instrument, IMMI 12/127, commences on 1 January 2013.