

EXPLANATORY STATEMENT

Migration Regulations 1994

CLASS OF PERSONS 2015

(Subclause 186.234(3) and Sub-subparagraph 5.19(4)(h)(ii)(D))

1. This Instrument is made under subclause 186.234(3) and sub-subparagraph 5.19(4)(h)(ii)(D) of the *Migration Regulations 1994* (the Regulations).
2. The purpose of the Instrument is to update the occupations listed as eligible occupations for the purposes of sub-subparagraph 5.19(4)(h)(ii)(D).
3. The Instrument operates to specify a class of persons who are exempt from satisfying the primary criteria in relation to skills for the relevant occupation at the time of application for a Subclass 186 (Employer Nomination Scheme (ENS)) visa in the Direct Entry stream;
4. The Department did not undertake specific consultation in regards to the eligible occupations change as it impacts on one occupation only.
5. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 17847).
6. Under section 44 of the *Legislative Instruments Act 2003* the Instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
7. The Instrument has a retrospective commencement to enhance opportunities for a visa applicant to apply for skilled occupations and does not disadvantage the rights of a person as prescribed in subsection 12(2) of the *Legislative Instruments Act 2003*.
8. The Instrument, IMMI 15/109, commences on 1 July 2015.