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Migration (Liberia — United Nations Security Council Resolution No. 1343) Regulations 2001

Statutory Rules 2001 No. ¹

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I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Migration Act 1958*.

Dated 29 AUG 2001 2001

PETER HOLLINGWORTH
Governor-General

By His Excellency's Command

PHILIP RUDDOCK
Minister for Immigration and Multicultural Affairs

1 Name of Regulations

These Regulations are the *Migration (Liberia — United Nations Security Council Resolution No. 1343) Regulations 2001*.

2 Commencement

These Regulations commence on 1 November 2001.

3 Definitions

In these Regulations:

Act means the *Migration Act 1958*.

Committee means the committee established under paragraph 14 of the Resolution.

designated person means a person who:

- (a) is any of the following:
 - (i) a senior member of the Government of Liberia;
 - (ii) a senior member of the Liberian armed forces;
 - (iii) a spouse of a person mentioned in subparagraph (i) or (ii);
 - (iv) an individual providing financial or military support to armed rebel groups in countries neighbouring Liberia, in particular the Revolutionary United Front in Sierra Leone; and
- (b) has been designated by the Committee in accordance with paragraph 7 (a) of the Resolution.

Resolution means United Nations Security Council Resolution No. 1343 (2001).

4 Application

These Regulations apply in addition to, and despite any provision to the contrary in, any other Regulations under the Act.

5 Special criterion for grant of visas

- (1) This regulation applies in relation to an application for a visa:
 - (a) made, but not finally determined (within the meaning of subsection 5 (9) of the Act), before 1 November 2001; or
 - (b) made on or after 1 November 2001.
- (2) It is a criterion applicable (at the time of decision) to an application for a visa of any class by a designated person that the Minister is satisfied that:
 - (a) the Committee has determined that the designated person's travel:
 - (i) is justified on the grounds of humanitarian need, including religious obligation; or
 - (ii) would assist in the peaceful resolution of the conflict in the West Africa subregion; or
 - (iii) would otherwise promote Liberian compliance with the demands of the United Nations Security Council; or
 - (b) there are compelling reasons to grant the visa to the designated person.

6 Prescribed ground for cancelling visas (Act s 116)

- (1) This regulation applies to a visa granted on, before or after 1 November 2001.
- (2) For paragraph 116 (1) (g) of the Act, it is a prescribed ground for cancelling a visa (other than a visa granted on the basis that the applicant satisfied the criterion in subregulation 5 (2)) that the holder of the visa is, or becomes, a designated person.
- (3) However, the Minister is not to cancel a visa on the ground prescribed under subregulation (2) if the Minister is satisfied that:
 - (a) the Committee has determined that the designated person's travel to, or continued stay in, Australia:
 - (i) is justified on the grounds of humanitarian need, including religious obligation; or

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- (ii) would assist in the peaceful resolution of the conflict in the West Africa subregion; or
- (iii) would otherwise promote Liberian compliance with the demands of the United Nations Security Council; or
- (b) there are compelling reasons for the designated person to continue to hold the visa.

Note

1. Notified in the *Commonwealth of Australia Gazette* on 2001. 5 September