

EXPLANATORY STATEMENT

Migration Regulations 1994

CLASS OF PERSONS

(PARAGRAPHS 200.211(1A)(a) AND 201.211(1A)(a) OF SCHEDULE 2)

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. Subclause 200.211(1A) of the Regulations provides 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. Subclause 201.211(1A) provides that an applicant for a subclass 201 (In-country Special Humanitarian) 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.
4. Subclause 200.211(1B) requires 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.
5. Subclause 201.211(1B) requires 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.
6. Consultation was undertaken before the instrument was made with the Prime Minister, the Minister for Finance and Deregulation, the Minister for Defence and the Minister for Foreign Affairs.

7. 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.
8. The Instrument operates to specify as a class of persons all non-citizens who:
- are or were employed by the Department of Foreign Affairs and Trade in the Australian Embassy in Baghdad in Iraq since 1 May 2003; or who
 - between 17 March 2003 and 15 May 2009:
 - (a) were employed in a private civilian capacity by the Australian Defence Force in Iraq; or
 - (b) were employed or worked collaboratively in a private civilian capacity with the Australian Defence Force in Iraq with the:
 - i. Overwatch Battle Group (West); or
 - ii. Australian Army Training Teamand who have:
 - (c) ceased employment with, or who have ceased working collaboratively with, the Australian Defence Force; and
 - (d) sought certification from the Minister for Defence on or before 15 May 2009; and
 - (e) who have applied for a Class XB (Refugee and Humanitarian) visa on or before 31 December 2009; or who
 - anytime after 15 May 2009 have been employed in a private civilian capacity by the Australian Defence Force in Iraq.
9. The Instrument, IMMI 09/027, commences on 15 May 2009.