

EXPLANATORY STATEMENT

Migration Regulations 1994

TRANSIT PASSENGERS WHO ARE ELIGIBLE FOR A SPECIAL PURPOSE VISA

(Paragraph 2.40(1)(n))

1. This instrument is made under paragraph 2.40(1)(n) of the Migration Regulations 1994 ('the Regulations').
2. Paragraph 2.40(1)(n) of the Regulations provides that transit passengers who belong to a class of persons specified by Gazette Notice are prescribed as having a Special Purpose Visa for the purposes of paragraph 33(2)(a) of the Act.
3. The purpose of the instrument is to revoke Instrument IMMI 09/064 signed on 4 February 2010 and specify the list of countries whose citizens are transit passengers for the purposes of paragraph 2.40(1)(n), specifically to include citizens of Oman in the class of persons specified for that purpose.
4. The instrument operates to specify the countries whose citizens are eligible to access Australia's transit without visa (TWOV) arrangements. Transit passengers from these countries are able to access the TWOV arrangements provided they are from an eligible country, hold a confirmed onward booking to leave Australia to travel to a third country on the same or another aircraft within 8 hours of their arrival in Australia, hold documentation necessary to enter the country of their destination, and remain in the transit lounge. Diplomatic passport holders from most countries are also eligible to access Australia's TWOV arrangements. However, the TWOV list also sets out those countries whose diplomatic passport holders are not able to access the TWOV arrangements.
5. The instrument amends part (a) of the Schedule to add Oman to the list of countries eligible to transit Australia without a visa.

6. Consultation was undertaken, before the Instrument was made, with the Department of Foreign Affairs and Trade, the Australian Federal Police, the Australian Customs and Border Protection Service and the Australian Security Intelligence Organisation.
7. The Office of Best Practice Regulation has advised that a Regulatory Impact Statement is not required (OBPR Reference 13915).
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 12/072, commences on 8 June 2012.