

EXPLANATORY STATEMENT

Migration Regulations 1994

ARRANGEMENTS FOR WORK AND HOLIDAY AND WORKING HOLIDAY VISA APPLICATIONS 2015

(Items 1224A and 1225 and paragraph 462.221(c))

1. This Instrument is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations), for Items 1224A and 1225 of Schedule 1 to the *Migration Regulations 1994* (the Regulations) and paragraph 462.221(c) of Schedule 2 to the Regulations.
2. The Instrument revokes Instrument IMMI 07/084 (F2007L04105), signed on 17 October 2007, specifying a class of persons for paragraph 1224A(1)(a) of Schedule 1 to the Regulations; IMMI 07/085 (F2007L04111), signed on 17 October 2007, specifying a class of persons who do not have to provide evidence of government support for the grant of a visa for subparagraph 1224A(3)(b)(iii) of Schedule 1 to the Regulations; IMMI 09/008 (F2009L01343) signed on 6 April 2009, specifying classes of persons and foreign countries for subparagraph 1225(3)(b)(i) of Schedule 1 to the Regulations; IMMI 09/018 (F2009L01347) signed on 6 April 2009, specifying an address as the post office box address for paragraph 1225(3)(a) of Schedule 1 to the Regulations; IMMI 14/098 (F2014L01498) signed on 17 October 2014 specifying foreign countries, educational qualifications and addresses for item 1224A of Schedule 1 to the Regulations and paragraph 462.221(c) of Schedule 2 to the Regulations; and IMMI 07/038 (F2007L02117) signed on 29 June 2007 specifying a class of persons for subparagraph 1224A(3)(c)(iii) of Schedule 1 to the Regulations.
3. Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.
4. The purpose of the Instrument is specify the form numbers of the approved form or forms, the manner of lodgement and the addresses to which an application must be made for making valid applications for Work and Holiday (Temporary)(Class US) visa - Subclass 462 (Work and Holiday) and Working Holiday (Temporary)(Class TZ) visa - Subclass 417 (Working Holiday) visas.
5. A further purpose is to list the countries that are considered to be working holiday or work and holiday visa eligible countries - that is, countries with which Australia has a reciprocal

Working Holiday (subclass 417) visa or Work and Holiday (subclass 462) visa arrangement or agreement. This instrument also sets out any relevant conditions applying to nationals of those countries including required educational qualifications for an applicant from a relevant country.

6. The instrument operates to specify that nationals from the United States of America may apply for a Work and Holiday (subclass 462) visa by internet using form 1208E (Internet), as well as by paper application form 1208.
7. The instrument further operates to specify the following for applicants applying for a Subclass 462 visa:
 - the passport an applicant must hold to make a valid application;
 - that those applying on form 1208, and who hold a specified passport must make their application at the specified address;
 - that those applying on form 1208, who may make their application in any foreign country; and
 - educational qualifications applicable to an applicant from each country.
8. The instrument further specifies that applicants holding passports issued by the United States of America are a class of persons who do not have to provide evidence of government support for the grant of a Work and Holiday (subclass 462) visa. The instrument also specifies that an applicant holding a passport issued by the Islamic Republic of Iran may apply for a further subclass 462 visa if they are in Australia and have previously held not more than two subclass 462 visas.
9. In addition, the instrument operates to specify the class of persons who are eligible to apply for a Working Holiday (subclass 417) visa and the conditions that they must meet to make a valid visa application. Only nationals of countries with which Australia has a reciprocal Working Holiday arrangement are eligible to apply.
10. Pursuant to subsection 18(1) of the *Legislative Instruments Act 2003* consultation was not necessary. The instrument is of a minor or machinery nature and does not substantially alter existing arrangements.
11. 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.
12. The Office of Best Practice Regulation has advised that a Regulatory Impact Statement is not required (OBPR Reference 17108).
13. This instrument, number IMMI 15/040, commences on 18 April 2015.