

EXPLANATORY STATEMENT

Migration Regulations 1994

SPECIFICATION OF CLASS OF PERSONS 2015

(Subclause 186.234(3) and Paragraphs 186.221(b), 186.222(b), 186.231(b), 186.232(b), 187.221(b), 187.222(b), 187.231(b), 187.232(b), 187.234(a) and Sub-subparagraph 5.19(4)(h)(ii)(D))

1. The Instrument is made under subclause 186.234(3) and paragraphs 186.221(b), 186.222(b), 186.231(b), 186.232(b), 187.221(b), 187.222(b), 187.231(b), 187.232(b), 187.234(a) and sub-subparagraph 5.19(4)(h)(ii)(D) of the *Migration Regulations 1994* (the Regulations).
2. The Instrument revokes Department of Immigration and Border Protection Instruments IMMI 12/059 (F2012L01292), IMMI 12/060 (F2012L01283) and IMMI 13/059 (F2013L01147).
3. The purpose of the Instrument is to combine the contents of a number of Instruments, IMMI 12/059, IMMI 12/060, and IMMI 13/059; and to update the occupations listed as eligible occupations for nomination for a Subclass 187 (Regional Sponsored Migration Scheme (RSMS)) visa in the Direct Entry stream.
4. The Instrument operates to specify:
 - a. the class of persons who are exempt from satisfying the primary criteria in relation to English language for a Subclass 186 (Employer Nomination Scheme (ENS)) or a Subclass 187 (RSMS) visa in the Direct Entry stream;
 - b. the class of persons who are exempt from satisfying the primary criteria in relation to English language for a Subclass 186 (ENS) visa or a Subclass 187 (RSMS) visa in the Temporary Residence Transition stream;

- c. the 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 (ENS) or a Subclass 187 (RSMS) visa in the Direct Entry stream;
 - d. the 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 (ENS) or a Subclass 187 (RSMS) visa in the Temporary Residence Transition stream;
 - e. the class of persons who are exempt from satisfying the primary criteria in relation to being less than 50 years of age at the time of application for a Subclass 186 (ENS) or a Subclass 187 (RSMS) visa in the Direct Entry stream;
 - f. the class of persons who are exempt from satisfying the primary criteria in relation to being less than 50 years of age at the time of application for a Subclass 186 (ENS) or a Subclass 187 (RSMS) visa in the Temporary Residence Transition stream.
5. The department did not undertake specific consultation in regards to the eligible occupations change as it impacts on one occupation only.
 6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Ref 17847).
 7. 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.
 8. This Instrument, IMMI 15/083, commences on 1 July 2015.