

EXPLANATORY STATEMENT

Migration Regulations 1994

CLASS OF PERSONS 2016/015

(subitem 1222(5))

1. Instrument IMMI 16/015 is made under subparagraph 1222(2)(a)(i) of Schedule 1 of the *Migration Regulations 1994* (the Regulations).
2. The purpose of the Instrument is for the Minister to specify under paragraph 1222(5)(c) the classes of persons, who seek to apply for one of the Item 1222 Student (Temporary) (Class TU) visas, who are not required to pay the first instalment of the visa application charge under subparagraph 1222(2)(a)(i). Classes of persons identified in the Instrument are
 - a. in item 1 of the Instrument – Class 1 Students;
 - b. in item 2 of the Instrument – Class 2 Students’ Family Members;
 - c. in item 3 of the Instrument – Class 3 Student Guardians; and
 - d. in item 4 of the Instrument – Class 4 Family Members of Student Guardians
3. Consultation was undertaken with key international education sector stakeholders as part of the project to simplify Australia's student visa framework before this instrument was made. Stakeholders consulted included: Commonwealth agencies (Department of Education and Training, Austrade, Department of Foreign Affairs and Trade, the Department of Defence, the Australian Skills Quality Authority, and the Tertiary Education Quality and Standards Agency), state and territory government agencies (including school regulators), as well as industry peak bodies (Australian Council for Private Education and Training, Australian Government Schools International, Council of Private Higher Education, English Australia, Independent Schools Council of Australia, International Education Association of Australia, TAFE Directors Australia, and Universities Australia).
4. The Office of Best Practice Regulation (OBPR) has been consulted and a Regulatory Impact Statement has been completed, and is attached to this Explanatory Statement at Attachment A. (OBPR Reference 18083).

5. Under section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*, the Instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
6. The Instrument commences immediately after the commencement of Schedule 4 of the *Migration Legislation Amendment (2016 Measures No. 1) Regulation 2016*.