

EXPLANATORY STATEMENT*Migration Regulations 1994***ARRANGEMENTS FOR RESIDENT RETURN VISA APPLICATIONS 2017/031***(Items 1118A, 1128, 1216)*

1. Instrument IMMI 17/031 is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations) for the purposes of items 1118A Special Eligibility (Class CB), 1128 Return (Residence) (Class BB) and 1216 Resident Return (Temporary) (Class TP) of Schedule 1 to the Regulations.
2. The instrument repeals IMMI 16/088 (F2016L01405) under subregulation 2.07(5) of the Regulations and in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*, which states where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character, 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.
3. The instrument operates for the Minister to specify under subregulation 2.07(5) of the Regulations, for the purposes of items 1118A Special Eligibility (Class CB), 1128 Return (Residence) (Class BB) and 1216 Resident Return (Temporary) (Class TP) visas, the approved forms for making an application for a visa of one of the specified classes, the way in which an application for a visa of one of the specified classes must be made and the place at which an application for a visa of one of the specified classes must be made.
4. The purpose of the instrument is to specify the arrangements specified in the repealed instrument IMMI 16/088 and to specify, in section 9 of the instrument, additional arrangements for making an application for a Resident Return (Temporary) (Class TP) visa.
5. Prior to making the instrument consultation was undertaken with the Department of Infrastructure and Regional Development, the lead agency for the Norfolk Island governance reforms.

6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 19860).
7. The Senior Executive Service, Band two, making the instrument was delegated the powers contained in subregulation 2.07(5) of the Regulations in Instrument of Delegation DEL 16/067, signed on 9 November 2016.
8. 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.
9. The instrument commences on the day after it is registered.