

**EXPLANATORY STATEMENT***Migration Regulations 1994***MIGRATION REGULATIONS (IMMI 17/129: SPECIFICATION OF REGIONAL AREAS FOR A SAFE HAVEN ENTERPRISE VISAS) INSTRUMENT 2017***(Subitem 1404(4))*

1. Instrument IMMI 17/129 is made under subitem 1404(4) of Schedule 1 to the *Migration Regulations 1994* (the Regulations).
2. The instrument repeals IMMI 17/014 (F2017L00388) under subitem 1404(4) of Schedule 1 to 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 to specify postcodes within Australia which are taken to be a regional area for the purpose of subparagraphs 2.06AAB(2)(a)(i) and (ii) of the Regulations and subitem 1404(4) of Schedule 1 to the Regulations. In particular, an application for a Safe Haven Enterprise (Class XE) visa (Class XE visa) must include an indication, in writing, that the applicant, or a member of the applicant's family unit who is also an applicant for a Class XE visa, intends to study or work while accessing minimum social security benefits in a regional area specified in the instrument.
4. The purpose of the instrument is to specify all postcodes in the Northern Territory as regional in Schedule 3 to the instrument and have effect from the day after registration.
5. Consultation was undertaken before the instrument was made with the Northern Territory Government.
6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 22861).

7. Under section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015* and pursuant to item 20 of the table in section 10 of the *Legislation (Exemption and Other Matters) Regulation 2015*, the instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
8. The instrument commences on the day after registration.