

**EXPLANATORY STATEMENT***Migration Regulations 1994***MIGRATION (IMMI 18/040: MANNER FOR PROVIDING DETAILS OF AN EVENT  
TO IMMIGRATION) INSTRUMENT 2018***(Subparagraph 2.84(2)(b)(i))*

1. The instrument, IMMI 18/040, is made under subparagraph 2.84(2)(b)(i) of the *Migration Regulations 1994* (the Regulations).
2. The instrument revokes IMMI 15/138 *Specification of Address* (F2015L01958) and IMMI 16/005 *Specification of Address* (F2015L02133).
3. The instrument operates to specify the manner in which a person who is or was an approved sponsor must provide details of an event mentioned in regulation 2.84 of the Regulations.
4. The purpose of the instrument is to address changes to the Regulations made by the *Migration Legislation Amendment (Temporary Skill Shortage Visa and Complementary Reforms) Regulations 2018*. In particular, the option for approved sponsors to provide information to Immigration by registered post was removed from paragraph 2.84(2)(b) of the Regulations.
5. The instrument specifies that approved sponsors must inform Immigration about an event mentioned in regulation 2.84 of the Regulations:
  - a. by electronic mail to an address specified in the instrument; or
  - b. by submitting a ‘notification of sponsorship changes’ form to a digital access point on the Department’s internet site (the digital access point which will be made available for this purpose will be the online system known as ‘ImmiAccount’).
6. The subject of the instrument is part of a broad package of reforms for the employer sponsored skilled visa programs, announced by the Government on 18 April 2017. The reforms include replacing the Subclass 457 (Temporary Work (Skilled)) visa with the

Subclass 482 (Temporary Skill Shortage) visa. The Department has engaged with external stakeholders since the announcement in developing the policy settings and considered feedback received. Some settings of the existing framework have been carried over to the Subclass 482 visa without amendment, and have not been the subject of consultation.

7. These reforms were also informed by earlier reviews including: the 2014 Independent Review into the Integrity of the Subclass 457 programme; the 2016 Productivity Commission Inquiry Report: Migrant Intake into Australia; the 2016 Review of the Temporary Skilled Migration Income Threshold; and the 2016 Senate Inquiry A National Disgrace: The Exploitation of Temporary Work Visa Holders. These reviews were subject to extensive consultation processes, including: individuals; academics; bodies and businesses who use the employer sponsored skilled visa programs; migration agents; representatives of foreign governments; the Ministerial Advisory Council on Skilled Migration; and government departments and agencies. The consultation occurred well before the instrument was made. This accords with subsection 17(1) of the *Legislation Act 2003* which envisages consultations where appropriate and reasonably practicable.
8. A Regulation Impact Statement has been prepared in accordance with advice from the Office of Best Practice Regulation (OBPR). The OBPR Reference number is 21946.
9. Under section 42 of the *Legislation Act 2003*, the instrument is subject to disallowance and therefore a Statement of Compatibility with Human Rights has been provided. A copy of the Statement is at [Attachment A](#).
10. The Instrument commences on 18 March 2018.

**Attachment A****Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

**Migration (IMMI 18/040: Specification of Electronic Manner – Approved Sponsor)**  
**Instrument 2018**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

**Overview of the Legislative Instrument**

This Legislative Instrument specifies the manner in which a person who is, or was, an approved sponsor must provide details to Immigration of an event mentioned in regulation 2.84 of the *Migration Regulations 1994*. Regulation 2.84 is part of the sponsorship obligations framework, which is designed to protect persons who are sponsored for a temporary skilled work or activity visa from exploitation and to ensure the integrity of these visa programs. Examples of events that need to be notified under regulation 2.84 are that the sponsor has become insolvent, that the sponsored person has ceased employment or their work duties have changed, and changes to the sponsor's contact details.

This Legislative Instrument repeals IMMI 15/138 and IMMI 16/005. This instrument will apply to persons (usually businesses) who are, or were, an 'approved sponsor', that is, approved to sponsor a person to enter or remain in Australia on a temporary skill shortage or temporary activity visa.

The effect of this Legislative Instrument is to:

- Retain the ability to provide notification via email, and update specified email addresses; and
- Add the ability to provide notification by submitting a 'notification of sponsorship changes' eForm through the Department's online application lodgement system (known as 'ImmiAccount').

The ability to provide notification via registered mail is being removed and replaced by the eForm. The change is in line with Departmental use of electronic channels. It will have a limited impact on sponsors, who must already lodge sponsorship, nomination and visa applications electronically, and the majority of whom provide information to the Department electronically. Electronic forms have accessibility features and most sponsors use migration agents to lodge the forms on their behalf.

**Human rights implications**

As the proposed amendments make a minor change to the current notification arrangements for the employer sponsored temporary skilled work and activity visas and do not substantially change their practical effect on sponsors, they do not directly engage any of the human rights enunciated in the seven core international human rights treaties. The notification arrangements assist with reducing worker exploitation and the electronic forms have accessibility features. These aspects of the notification arrangements assist with meeting obligations in relation to the conditions of work and the rights of persons with disabilities.

**Conclusion**

This proposed regulation amendment is compatible with human rights.

**The Hon Alan Tudge MP, Minister for Citizenship and Multicultural Affairs**