# EXPLANATORY STATEMENT

## *Migration Regulations 1994*

**MIGRATION (IMMI 18/076: ARRANGEMENTS FOR OTHER FAMILY VISA APPLICATIONS AND NEW ZEALAND (FAMILY RELATIONSHIP) VISA APPLICATIONS) INSTRUMENT 2018**

*(Subregulation 2.07(5))*

1. Instrument IMMI 18/076 is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations) for the purposes of items 1123A, 1123B and 1214BA of Schedule 1 to the Regulations.
2. The instrument repeals IMMI 17/016 (F2017L00123) under subregulation 2.07(5) of the Regulations and in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*, which states that 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 prescribe criteria or requirements by specifying the approved form for making an application, and the way or manner and the place at which an application for the following visas must be made:
4. Item 1123A - Other Family (Migrant) (Class BO) visa;
5. Item 1123B - Other Family (Residence) (Class BU) visa; and
6. Item 1214BA - New Zealand (Family Relationship) (Temporary) (Class UP) visa.
7. The purpose of the instrument is to specify the manner in which Other Family (Migrant) (Class BO) visa applications must be lodged. This represents a change to the prescribed criteria or requirement in the repealed instrument IMMI 17/106, that the application must be made at a diplomatic, consular or migration office maintained by, or on behalf of, the Commonwealth outside Australia. The instrument specifies in Schedule 1 that an application for an Other Family (Migrant) (Class BO) visa must be posted or delivered by courier service to the Child and Other Family Processing Centre, Department of Home Affairs.
8. Consultation regarding the Department’s goal to centralise paper applications for Other Family (Migrant) (Class BO) was not undertaken as it is a minor change. The change impacts a small cohort of applicants. Specifying the lodgement location to be onshore for all Other Family visa paper applications will assist in streamlining the Department’s application process. The Department’s website and forms will reflect the changes from the commencement date.
9. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 23524).
10. The officer (Senior Executive Service, Band one, Skilled and Family Visa Program Branch, Immigration and Visa Services Division) who made the instrument, was delegated the powers required to make the instrument in the Delegations Instrument No.5 of 2018*,* signed on 10 April 2018.
11. 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.
12. This instrument commences on 1 July 2018.