

EXPLANATORY STATEMENT

Migration Regulations 1994

MIGRATION (IMMI 18/079: ARRANGEMENTS FOR PARENT VISA APPLICATIONS) INSTRUMENT 2018

(Subregulation 2.07(5))

1. The instrument, IMMI 18/079, is made under subregulation 2.07(5) of the *Migration Regulations 1994* ('the Regulations') for the purposes of items 1124, 1124A, 1130, 1130A, 1221 and 1221A of Schedule 1 to the Regulations.
2. This instrument repeals IMMI 18/014 (F2018L00023) 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 the form, place and manner an application must be made for the following Parent visas:
 - a. Parent (Migrant) (Class AX) visa;
 - b. Aged Parent (Residence) (Class BP) visa;
 - c. Contributory Parent (Migrant) (Class CA) visa;
 - d. Contributory Aged Parent (Residence) (Class DG) visa;
 - e. Contributory Parent (Temporary) (Class UT) visa; and
 - f. Contributory Aged Parent (Temporary) (Class UU) visa.
4. The purpose of the instrument is to remove a lodgement option that was present in the previous instrument, the in-person lodgement option for Parent visa applications and specify lodgement of those applications by post or courier to the specified addresses. The instrument varies the requirements for making a valid application for the specified Parent visas, in line with amendments made to the Regulations, specified in the *Home*

Affairs Legislation Amendment (2018 Measures No. 1) Regulations 2018. This allows the required application form and address for lodgement of a visa application to be specified in the instrument rather than directly in Schedule 1 to the Regulations. Providing for these matters to be specified in an instrument will allow more flexible and responsive legislative changes to the required forms and address for lodgement of specified visas to be made.

5. Before this instrument was made, consultation was undertaken in accordance with section 17 of the *Legislation Act 2003*. The Department of Home Affairs, formerly the Department of Immigration and Border Protection ('the Department') consulted with the Migration Institute of Australia in November 2017 on the changes to Partner and Prospective Marriage visa applications including changes to the application lodgement arrangements. Further, the public and external stakeholders were consulted through the Department's Public Facing Web Content, in combination with targeted messaging to migration industry stakeholders and service providers.
6. The instrument is made by a delegate of the Minister for Home Affairs and Minister for Immigration and Border Protection. The instrument making power is delegated to all Senior Executive Service, Band One Officers of Visa Delivery Transformation Division under *Minister – Delegations Instrument No. 5 of 2018 (Instrument Making Powers (MHA No. 5 of 2018))*.
7. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference: 21350).
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 1 July 2018.