

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration Regulations (LIN 18/081: Specification of Regional Areas for a Safe Haven Enterprise Visa) Instrument 2018

(Subitem 1404(4) of Schedule 1)

1. The instrument, LIN 18/081, is made under subitem 1404(4) of Schedule 1 to the *Migration Regulations 1994* (the Regulations).
2. The instrument repeals IMMI 17/129 (F2017L01607) 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 under subitem 1404(4) of Schedule 1 to the Regulations, a regional area within Australia through the use of their corresponding postcode for the purposes of a Subclass 790 (Safe Haven Enterprise) visa.
4. The Class XE visa is a temporary protection visa granted to non-citizens who have been assessed as engaging Australia's protection obligations and who have met other requirements including, but not limited to health, security and character. A requirement of the Class XE visa includes the applicant providing an indication, in writing, that they, or a member of their family unit who is also an applicant for a Class XE visa, intends to work or study in a regional area.
5. For the purposes of subparagraph 2.06AAB(2)(a)(i) of the Regulations, the instrument specifies regional areas within which an applicant must be engaged in employment. For the purposes of subparagraph 2.06AAB(2)(a)(ii) of the Regulations, the instrument specifies regional areas within which an educational institution, where the applicant is enrolled in full time study, must be located. The instrument identifies regional areas by the corresponding postcode of those areas.

6. The purpose of the instrument is to specify thirty-three additional regional areas in Victoria and Western Australia that were not specified as regional areas in the previous instrument, IMMI 17/129. The additional specified regional areas, identified by their corresponding postcodes, are listed below:

| | | | | |
|------|------|------|------|------|
| 3328 | 3557 | 3572 | 3783 | 6069 |
| 3330 | 3559 | 3612 | 3810 | |
| 3331 | 3561 | 3620 | 3812 | |
| 3332 | 3562 | 3621 | 3813 | |
| 3333 | 3563 | 3622 | 3814 | |
| 3334 | 3564 | 3623 | 3815 | |
| 3342 | 3565 | 3624 | 6055 | |
| 3360 | 3566 | 3781 | 6056 | |

7. In accordance with subsection 17(1) of the *Legislation Act 2003*, consultation was undertaken with the Victorian Government and Western Australian Government before the instrument was made.
8. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference: 23601).
9. 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.
10. The instrument commences on the day after registration on the Federal Register of the Legislation.