

## **EXPLANATORY STATEMENT**

*Migration Regulations 1994*

### **MIGRATION (LIN 19/058: ARRANGEMENTS FOR SPECIAL CATEGORY VISA APPLICATIONS) INSTRUMENT 2019**

*(Subregulation 2.07(5))*

1. The instrument, LIN 19/058, is made under subregulation 2.07(5) of *Migration Regulations 1994* (the Regulations).
2. The instrument repeals IMMI 15/039 (F2015L00560) made under subregulation 2.07(5) of the Regulations and in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (the AIA). Subsection 33(3) of the AIA 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 specify the approved form for a special category visa, and the place and manner that an application must be made, by three possible cohorts of New Zealand citizens making a visa application for a special category visa. Those being:
  - a visa applicant who holds a special purpose visa;
  - a visa applicant who does not hold a visa; and
  - a visa applicant who holds a temporary visa (other than a special purpose visa).
4. The purpose of the instrument is to support a new online process that will allow New Zealand visa applicants to complete a digital version of Form 15 (the incoming passenger card) and to request an appointment to visit a Departmental office and lodge their visa application in person. The repealed instrument specified only the paper Form 15, for the purposes of subitem 1219(1) of Schedule 1 to the Regulations.



5. In accordance with paragraph 15J(2)(e) of the *Legislation Act 2003*, consultation was not necessary. The instrument is of a minor or machinery nature and does not substantially alter existing arrangements.
6. The Office of Best Practice Regulation (OBPR) have advised that a Regulatory Impact Statement is not required (OBPR Reference: 24096).
7. The officer (Senior Executive Service, Band One, Visa Delivery Transformation Division) who made the instrument was delegated the powers required to make the instrument in the Minister – Delegations Instrument No. 5 of 2018 (Instrument Making Powers) (MHA No. 5 of 2018), signed on 10 April 2018.
8. The instrument is made under subregulation 2.07(5), in Part 2, of the Regulations. 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 the day after the instrument is registered on the Federal Register of Legislation.