

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (LIN 19/147: Arrangements for Sponsorship for Temporary Sponsored Parent Visa) Instrument 2019

(Subregulation 2.61A(4))

1. Instrument LIN 19/147 is made under subregulation 2.61A(4)(b) and (c) of the *Migration Regulations 1994* (the Regulations).
2. The instrument's purpose and operation is to specify the process for approval as a family sponsor for a Temporary Sponsored Parent Visa (TSPV) in relation to a specified form in which to apply for approval for the purposes of paragraph 2.61A(3)(b) of the Regulations and the specified fee for the application of approval for the purposes of paragraph 2.61A(3)(c) of the Regulations. The instrument's head of power is provided by the *Migration Amendment (Temporary Sponsored Parent Visa and Other Measures) Regulations 2019*.
3. Consultation was undertaken before the instrument was made. The department consulted with other relevant government agencies and community stakeholders prior to the Government announcement of 4 May 2017 that it would implement the TSPV as part of the 2017-18 Budget measures. The agencies consulted with include:
 - a. Attorney-General's Department;
 - b. Australian Taxation Office;
 - c. Department of Finance;
 - d. Department of Health;
 - e. Department of Human Services;
 - f. Department of the Prime Minister and Cabinet;
 - g. Department of Social Services; and
 - h. The Treasury.

4. 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 at **ATTACHMENT A**.
5. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement (RIS) is required (OBPR Reference: 21913). The RIS has been provided.
6. The instrument commences on 17 April 2019.

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

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

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This disallowable 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 Disallowable Legislative Instrument

This legislative instrument specifies the correct form and fee for the application for approval as a family sponsor in the parent sponsor class.

The new instrument making power is provided by the *Migration Amendment (Temporary Sponsored Parent Visa and Other Measures) Regulations 2019*, which requires approval of sponsorship before a valid visa application for a Sponsored Parent (Temporary) (Subclass 870) visa can be made.

This disallowable legislative instrument stipulates the arrangements for lodging a valid application for approval as a family sponsor by specifying the correct application form and fee for the purposes of paragraphs 2.61A(3)(b) and (c).

Human rights implications

This disallowable legislative instrument does not engage human rights as it is a technical measure to support sponsorship applications relating to the new Subclass 870 visa. The human rights engaged by the introduction of that visa subclass are discussed in the Statement of Compatibility with Human Rights for the *Migration Amendment (Temporary Sponsored Parent Visa and Other Measures) Regulations 2019*.

Conclusion

This disallowable legislative instrument does not engage human rights.