

## **EXPLANATORY STATEMENT**

### *Migration Regulations 1994*

#### **Migration (LIN 19/189: Arrangements for certain Business Skills visa) instrument 2019**

*(Subregulation 2.07(5), Items 1104AA(1), 1104BA(1), 1104B(1), 1112(1), 1113(1), 1202A(1), 1202B(1))*

1. The Instrument LIN 19/189 is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations), for items 1104AA, 1104BA, 1104B, 1112, 1113, 1202A and 1202B of Schedule 1 to the *Migration Regulations 1994* (the Regulations).
2. The Instrument repeals IMMI 16/106 (F2016L01764) made under subregulation 2.07(5) 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 forms for making a valid application for a Business Skills Business Talent (Permanent) (Class EA) visa; Business Skills (Permanent) (Class EC) visa; Business Skills (Provisional) (Class EB) visa; Business Skills (Residence) (Class DF) visa; Distinguished Talent (Migrant) (Class AL) visa; Distinguished Talent (Residence) (Class BX) visa; and Business Skills (Provisional) (Class UR) visa. The Instrument further operates to specify the place for lodgement and the manner in which an application must be made to ensure a valid application is made for the relevant visa class.
4. The purpose of the Instrument is to specify the manner in which a Distinguished Talent (Migrant) (Class AL) visa application can be made. In addition to the existing arrangements of lodging an application by post or courier service delivery, the added option, which provides an additional benefit to applicants, is an applicant can lodge an application through the Department of Home Affairs online lodgement portal at the following address: <https://immi.homeaffairs.com.au/global-talent-contact-form>.

5. In accordance with paragraph 15J(2)(e) of the *Legislation Act 2003*, external consultation was not necessary as the change was of a minor or machinery nature and does not substantially alter existing arrangements. Specifically, an applicant can continue to lodge an application by post or courier service.
6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 25462).
7. The officer (Senior Executive Service, Band one, Immigration Programs Division) who made the instrument was delegated the powers required to make the instrument in the *Instrument Making Powers (Minister) Instrument 2019 (19/022)*, signed on 1 July 2019.
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 the day after it is registered on the Federal Register of Legislation.