

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (Arrangements for Certain Skilled and Temporary Graduate Visa Applications) Amendment Instrument (LIN 20/297) 2020

(subregulation 2.07(5) and item 1229 of Schedule 1)

1. The instrument, LIN 20/297, is made under subregulation 2.07(5) and item 1229 of Schedule 1 to the *Migration Regulations 1994* (the Regulations).
2. The instrument amends *Migration (Arrangements for Certain Skilled Visa Applications) Instrument (LIN 20/162) 2020* (F2020L01415), 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 amend LIN 20/262 to address minor drafting errors in LIN 20/162.
4. The instrument makes the following amendments to:
 - a. the title of the instrument and the heading of Part 2, to include ‘temporary graduate’, as the instrument makes arrangements for temporary graduate visas;
 - b. subsection 8(1) to correct the visa class reference from ‘VF’ to ‘VC’, which is the visa class item 1229 of Schedule 1 to the Regulations concerns.
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) has advised that a Regulatory Impact Statement is not required (OBPR Reference 25105).
7. The maker of the instrument (Acting Senior Executive Service Band One, Temporary Visa Program Branch) was appropriately delegated by *the Minister (Instrument-making Powers) Delegation 2020/252* (LIN 20/252).

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 the day after it is registered on the Federal Register of Legislation.