

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (Designated APEC Economy) Instrument (LIN 23/008) 2023

- 1 The instrument, Departmental reference LIN 23/008, is made under the definition of ‘designated APEC economy’ in regulation 1.03 of the *Migration Regulations 1994* (the Migration Regulations).
- 2 The instrument commences retrospectively on 2 October 2022 and is a legislative instrument for the *Legislation Act 2003* (the Legislation Act).

Purpose

- 3 This instrument is made under the definition of ‘designated APEC economy’ in regulation 1.03 of the Migration Regulations. Regulation 1.03 of the Migration Regulations defines the term ‘designated APEC economy’ to mean an APEC economy specified in a legislative instrument made by the Minister for the purposes of that definition.
- 4 A person who is the holder of a valid passport issued by a designated APEC economy, and who has applied to the Government of the designated APEC economy for an APEC Business Travel Card (ABTC) under arrangements in force between Australia and designated APEC economies is taken to have made a valid application for a Subclass 600 (Visitor) visa in the Business Visitor stream by operation of regulation 2.07AA of the Migration Regulations. The ABTC scheme provides accredited business people streamlined entry to participating economies.
- 5 The instrument commences retrospectively on 2 October 2022. This means that where a designated APEC economy passport holder has applied to the designated APEC economy for an ABTC on or after that date, the person will be taken to have made a valid application for a Subclass 600 (Visitor) visa in the Business Visitor stream.
- 6 The instrument will maintain the arrangements previously in place under *Migration Regulations 1994 - Specification of Designated APEC Economies - IMMI 12/078* which was repealed by sunseting on 1 October 2022.

Consultation

- 7 No external consultation was conducted as particulars of this instrument have been carried over from LIN 12/078 which was repealed by sunseting on 1 October 2022. LIN 23/008 will maintain arrangements previously in place under LIN 12/078 and accordingly the *Designated APEC economies* listed under Schedule 1 of the instrument have not changed.
- 8 The Office of Best Practice Regulation has advised that a Regulation Impact Statement is not required (OBPR Reference 22-03722).

Parliamentary scrutiny

- 9 The instrument is exempt from disallowance under section 42 of the Legislation Act. This is because a legislative instrument made under Part 1 of the Migration Regulations is prescribed by subitem 20(b) of

the *Legislation (Exemptions and Other Matters) Regulations 2015*. As the instrument is exempt from disallowance, a Statement of Compatibility with Human Rights is not required.

- 10 The instrument was made by the Minister for Immigration, Citizenship and Multicultural Affairs in accordance with the definition of ‘designated APEC economy’ in regulation 1.03 of the Migration Regulations.