EXPLANATORY STATEMENT

Issued by authority of the Minister for Immigration and Citizenship

Migration Regulations 1994

Migration (Arrangements for eVisitor Visa Applications) Instrument 2026

The instrument, departmental reference LIN 26/061, is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations).

The instrument repeals and remakes the *Arrangements for E-Visitor Applications 2016/111* (IMMI 16/111) in accordance with subregulation 2.07(5) of the Regulations as complemented by subsection 33(3) of the *Acts Interpretation Act 1901*. That subsection provides that a power to make a legislative instrument includes a power to amend or repeal that instrument in the same manner, and subject to the same conditions, as the power to make the instrument.

The instrument commences on the day after it is registered on the Federal Register of Legislation. It is a legislative instrument for the purposes of the *Legislation Act 2003* (the Legislation Act).

Purpose

LIN 26/061 is made under subregulation 2.07(5) of the Regulations. It replaces IMMI 16/111, which is scheduled to sunset on 1 April 2027 in accordance with section 50 of the Legislation Act.

Subregulation 2.07(5) provides that if an item of Schedule 1 to the Regulations prescribes criteria or requirements by reference to a legislative instrument made under this subregulation, the Minister may, by legislative instrument, specify any of the following matters for the purposes of such criterion or requirement:

- an approved form for making an application for a visa of a specified class;
- the way in which an application for a visa of a specified class must be made;
- the place at which an application for a visa of a specified class must be made;
- any other matter.

LIN 26/061 specifies the form, place and manner in which a valid application for a Subclass 651 (eVisitor) visa within the Visitor (Class TV) visa must be made.

Consultation

The instrument is of a minor or machinery nature, external consultation was not considered necessary or appropriate to undertake.

The online (internet) lodgement for an eVisitor visa application continues to be a positive, low-risk administrative improvement that reduces applicant costs and delivery delays.

Parliamentary scrutiny etc.

The instrument is exempt from disallowance under section 42 of the Legislation Act. This is because it is an instrument made under Schedule 1 to the Regulations which is exempt from disallowance under paragraph (b) of item 20 in regulation 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*. As the instrument is exempt from disallowance, a Statement of Compatibility of Human Rights is not required.

The Regulations specify no conditions that need to be satisfied before the power to make the instrument may be exercised.

The instrument is made by a delegate of the Minister, in accordance with subregulation 2.07(5) of the Regulations.

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Details of the instrument

Section 1 Name

This section provides that the name of the instrument is the *Migration (Arrangements for eVisitor Visa Applications) Instrument 2026*.

Section 2 Commencement

This section provides that the instrument commences on the day after registration.

Section 3 Authority

This section provides that the instrument is made under subregulation 2.07(5) of the *Migration Regulations 1994.*

Section 4 Schedules

This section provides that each instrument that is specified in a Schedule to the instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to the instrument has effect according to its terms.

Section 5 Definitions

This section provides for the definitions in the instrument.

The note under the heading in this section of the instrument provides that a number of expressions used in the instrument are defined in the Act, including the following:

- approved form;
- visa.

Under this section:

- ***Act*** means the *Migration Act 1958*.
- ***eVisitor visa application*** means an application for a Subclass 651 (eVisitor) visa within the Visitor (Class TV) visa.
- ***internet application*** has the meaning given by regulation 1.03 of the Regulations.
- ***Regulations*** means the *Migration Regulations 1994*.

Section 6 eVisitor visa applications

Subsection 6(1) specifies Form 1362 (Internet) as the approved form for the purposes of subitem 1218AA(1) of Schedule 1 to the Regulations.

Subsection 6(2) requires that a valid application for an eVisitor visa must be made as an internet application.

This section has been remade in substantially the same form as section 2 and the accompanying table under that provision of the instrument titled *Arrangements for E-Visitor Applications 2016/111*, which is repealed by Schedule 1 to the instrument.

Schedule 1—Repeals

Item 1 of Schedule 1 repeals the *Arrangements for E-Visitor Applications 2016/111* in its entirety.

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