EXPLANATORY STATEMENT

Issued by authority of the Minister for Immigration and Citizenship

Migration Regulations 1994

Migration (Arrangements for Visitor (Class FA) visa applications) Amendment Instrument 2026

The instrument, departmental reference LIN 26/060, is made under subregulation 2.07(5) and for the purposes of item 3 of the table in subitem 1236(6) of Schedule 1 to the *Migration Regulations 1994* (the Regulations).

Subregulation 2.07(5) of the Regulations 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.

The instrument amends the *Migration (Arrangements for Visitor (Class FA) visa applications) Instrument (LIN 21/056) 2021* (LIN 21/056).

Subsection 33(3) of the *Acts Interpretation Act 1901* provides that a power to make a legislative instrument includes a power to amend or repeal an 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

Item 3 of the table in subitem 1236(6) of Schedule 1 to the Regulations provides that the applicant seeking to satisfy the primary criteria for a Subclass 600 (Visitor) visa in the Approved Destination Status (ADS) stream must be intending to travel to Australia as a member of a tour organised by a travel agent specified by the Minister in an instrument in writing.

The ADS stream facilitates group travel from the People's Republic of China to Australia for applicants participating in tours organised by travel agents. The purpose of LIN 26/060 is to update the list of approved travel agents for this stream.

The instrument repeals and replaces the table of approved travel agents in Schedule 1 to LIN 21/056 to:

- remove unverified ADS travel agents in line with an audit exercise;

Authorised Version Explanatory Statement registered 28/09/2026 to F2026L01313

- add verified travel agents per the outcomes of a recruitment exercise and retain verified agents that passed the audit exercise; and

- reflect the current business name of ADS travel agents in China.

These changes reflect the outcomes of an annual audit and recruitment process undertaken by the Australian Consulate-General in Guangzhou. The updates ensure the list of approved travel agents remains accurate to support the integrity of the ADS scheme.

Consultation

External consultation was undertaken with Austrade and Tourism Australia following the conclusion of the annual audit activities.

This consultation accords with the consultation requirements in section 17 of the Legislation Act.

Parliamentary scrutiny etc.

The instrument is exempt from disallowance under section 42 of the Legislation Act. This is because it is a legislative instrument made under Part 2 of the Regulations, which is exempt from disallowance under paragraph (b) of table item 20 in section 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 instrument will be automatically repealed under section 48A of the Legislation Act as its sole purpose is to amend another instrument. This instrument does not engage the sunsetting provisions in Part 4 of the Legislation Act.

The Regulations do not specify any conditions that must be satisfied before the power to make the instrument may be exercised.

The instrument is made by a delegate of the Minister under subregulation 2.07(5) of the Regulations.

Authorised Version Explanatory Statement registered 28/09/2026 to F2026L01313

Section 1 Name

This section provides that the name of the instrument is the *Migration (Arrangements for Class (FA) visa applications) Amendment Instrument 2026*.

Section 2 Commencement

This section provides that the instrument commences on the day after it is registered.

Section 3 Authority

This section provides that the instrument is made under subregulation 2.07(5) and item 3 of the table in subitem 1236(6) of Schedule 1 to 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.

Schedule 1 Amendments

Item 1 of Schedule 1 to the instrument repeals and substitutes the table under Schedule 1 to LIN 21/056. The new table specifies approved travel agents, their codes, and their respective provinces or municipalities for the purposes of item 3 of the table in subitem 1236(6) of Schedule 1 to the Regulations.

Authorised Version Explanatory Statement registered 28/09/2026 to F2026L01313