

Migration Reform (Transitional Provisions) Regulations (Amendment) 1996 No. 77

EXPLANATORY STATEMENT

STATUTORY RULES 1996 No. 77

Issued by the Authority of the Minister for Immigration and Multicultural Affairs

Migration Act 1958

Migration Reform Act 1992

Migration Reform (Transitional Provisions) Regulations (Amendment)

Section 504 of the *Migration Act 1958* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, to prescribe all matters which are required or permitted to be prescribed by the Act or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 42 of the *Migration Reform Act 1992* (the Reform Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Reform Act to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the Reform Act.

The purpose of the Regulations is to amend the Migration Reform (Transitional Provisions) Regulations ("the Transitional Regulations") to allow persons who made combined applications for refugee status or refugee-related entry permits under the Migration (1989) Regulations or the Migration (1993) Regulations to make combined applications for review to the Refugee Review Tribunal. Combined applications could be made by an applicant and a spouse, or dependent child, or members of the family unit of that applicant.

Details of the Regulations are as follows..

Regulation 1 - Commencement

The Regulations commence on 1 August 1996.

Regulation 2 - Amendment

The Transitional Regulations are amended by these Regulations.

Regulation 3 - New Division 2B of Part 7

This regulation inserts new Division 2B (Combined applications for review by Refugee Review Tribunal) into Part 7 of the Transitional Regulations.

The only provision in new Division 2B is regulation 30E.

Subregulation 30E(1) provides that:

* where two or more persons combined their applications for refugee status or for refugee-related entry permits in a way permitted by the relevant Regulations; and

- * the applications have been refused; and
- * the decisions are reviewable by the Refugee Review Tribunal.

the unsuccessful applicants may combine their review applications.

Subregulation 30E(2) provides that regulation 30E will only apply to applications that are made after commencement of this regulation.