

Migration Reform (Transitional Provisions) Regulations (Amendment) 1996 No. 214

EXPLANATORY STATEMENT

STATUTORY RULES 1996 No. 214

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 to ensure that certain existing applications for permanent visas which have not been finally determined before 1 November 1996 are able to access more favourable visa travel facilities.

Under existing arrangements when a permanent visa is granted it allows the holder to remain permanently in Australia. However a permanent visa also includes a multiple travel facility which allows the holder to travel in and out of Australia for a certain period after the visa is granted. The main purpose of the travel facility is to ensure that permanent visa holders can depart and reenter Australia freely during the initial period of their settlement. The Regulations increase the period in which these visas may be used to enter Australia from either 3 or 4 years to 5 years.

Details of the Regulations are set out in the Attachment.

ATTACHMENT

Regulation 1 - Commencement

These Regulations commence on 1 November 1996.

Regulation 2 - Amendment

The Migration Reform (Transitional Provisions) Regulations are amended as set out in these Regulations.

Regulation 3 - Regulation 19A (Special Circumstance visa)

This regulation omits paragraph 19A(8)(a) and substitutes a new paragraph (a). The new paragraph increases from 4 years to 5 years the duration of the multiple entry travel facility for relevant visas granted on or after 1 November 1996.

Regulation 4 - Regulation 21 (Visa and entry permit applications made before 19 December 1989)

This regulation omits paragraph 21(3)(a) and substitutes a new paragraph (a). The new paragraph increases to 5 years the duration of the multiple entry travel facility for relevant visas granted on or after 1 November 1996.

Regulation 5 - Regulation 22 (Visa applications made on or after 19 December 1989 and before 1 September 1994)

Subregulation 5.1 omits paragraph 22(3)(a) and substitutes a new paragraph (a). The new paragraph increases from 4 years to 5 years the duration of the multiple entry travel facility for relevant visas granted on or after 1 November 1996.

Subregulation 5.2 amends subregulation 22(5) by inserting reference to new subregulation (5A).

Subregulation 5.3 inserts new subregulation (5A). This new subregulation ensures that transitional (permanent) visas granted against certain "deemed" applications for resident return visas have a travel facility of 5 years. These applications were deemed to be made when certain applications for permanent entry permits were made. The travel facility of 5 years is calculated from the date of grant of the permanent entry permit or transitional (permanent) visa.

Regulation 6 - Regulation 23 (Entry permit applications made on or after 19 December 1989 and before 1 September 1994)

This regulation omits paragraph 23(6)(a) and substitutes a new paragraph (a). The new paragraph increases from 4 years to 5 years the duration of the multiple entry travel facility for relevant visas granted on or after 1 November 1996.