



Migration (United Nations Security Council Resolutions) Regulations 2007¹

Select Legislative Instrument 2007 No. 167

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Migration Act 1958*.

Dated 21 June 2007

P. M. JEFFERY
Governor-General

By His Excellency's Command

KEVIN ANDREWS
Minister for Immigration and Citizenship

1 Name of Regulations

These Regulations are the *Migration (United Nations Security Council Resolutions) Regulations 2007*.

2 Commencement

These Regulations commence on 1 July 2007.

3 Repeal

The following regulations are repealed:

- (a) *Migration (Sierra Leone – United Nations Security Council Resolution No. 1171) Regulations 1997*;
- (b) *Migration (Liberia – United Nations Security Council Resolutions) Regulations 2001*;
- (c) *Migration (Afghanistan – United Nations Security Council Resolution No. 1390) Regulations 2002*;
- (d) *Migration (Côte d’Ivoire – United Nations Security Council Resolutions) Regulations 2005*.

4 Definitions

In these Regulations:

Act means the *Migration Act 1958*.

committee means a committee established under a United Nations Security Council Resolution.

resolution means a United Nations Security Council Resolution specified by the Minister, by legislative instrument.

UNSC-designated person has the meaning given by regulation 5.

5 Meaning of *UNSC-designated person*

A person is a *UNSC-designated person* if, under a resolution, Australia is required to prevent the person entering or transiting through Australian territory.

6 Application

These Regulations apply despite any provisions in other regulations made under the Act.

7 Special criterion for grant of visas

- (1) This regulation applies in relation to an application for a visa:
 - (a) made, but not finally determined (within the meaning of subsection 5 (9) of the Act), before 1 July 2007; or
 - (b) made on or after 1 July 2007.
- (2) It is a criterion applicable (at the time of decision) to an application for a visa of any class that the Minister is satisfied that:
 - (a) the applicant is not a UNSC-designated person; or
 - (b) a committee has determined that the applicant's travel to or transit through Australia is justified; or
 - (c) a committee has authorised the applicant's travel to or transit through Australia; or
 - (d) the grant of the visa to the applicant is justified by compelling circumstances.
- (3) Without limiting paragraph (2) (d), compelling circumstances may include the fulfilling of an international obligation owed by Australia.

8 Prescribed ground for cancelling visas (Act s 116)

- (1) This regulation applies to a visa of any class granted before, on or after 1 July 2007.
- (2) For paragraph 116 (1) (g) of the Act, the Minister may cancel a visa if the Minister is satisfied that the holder of the visa is a UNSC-designated person (whether or not the person was a UNSC-designated person at the time of the grant of the visa).

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- (3) The Minister must not cancel a visa granted to a UNSC-designated person (whether or not the person was a UNSC-designated person at the time of the grant of the visa) if the Minister is satisfied that:
- (a) a committee has determined that the person's travel to or transit through Australia is justified; or
 - (b) a committee has authorised the person's travel to or transit through Australia; or
 - (c) a decision not to cancel the visa would be justified by compelling circumstances.
- (4) Without limiting paragraph (3) (c), compelling circumstances may include the fulfilling of an international obligation owed by Australia.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.