

## **EXPLANATORY STATEMENT**

### *Migration Regulations 1994*

#### **CLASS OF PERSONS**

##### **(PARAGRAPHS 200.211(1A)(a) AND 201.211(1A)(a) OF SCHEDULE 2)**

1. This Instrument is made under paragraphs 200.211(1A)(a) and 201.211(1A)(a) of Schedule 2 to the *Migration Regulations 1994* ('the Regulations').
2. Paragraph 200.211(1A)(a) of the Regulations provides that the applicant meets the requirements of subclause (1A) if the Minister has specified, in an instrument in writing, one or more classes of persons for the paragraph.
3. Paragraph 201.211(1A)(a) provides that the applicant meets the requirements of subclause (1A) if the Minister has specified, in an instrument in writing, one or more classes of persons for the paragraph.
4. Subclause 200.211(1B) requires that before making the instrument, the Minister must consult the Prime Minister, the Minister for Finance and Deregulation and any other relevant Minister with an interest in the specification.
5. Subclause 201.211(1B) requires that before making the instrument, the Minister must consult the Prime Minister, the Minister for Finance and Deregulation and any other relevant Minister with an interest in the specification.
6. Consultation was undertaken before the instrument was made with the Prime Minister, the Minister for Finance and Deregulation, the Minister for Defence and the Minister for Foreign Affairs.
7. The purpose of the Instrument is to allow the Minister to specify a class of persons who may be eligible for the grant of subclass 200 (Refugee) and subclass 201 (In-country Special Humanitarian) visa.

8. The Instrument operates to specify as a class of persons all non-citizens who:

- are or were employed by the Department of Foreign Affairs and Trade in the Australian Embassy in Baghdad in Iraq since May 2003;
- are or were employed in a private civilian capacity by the Australian Defence Forces in Iraq since 17 March 2003; or
- have been employed or worked collaboratively in a private civilian capacity with the Australian Defence Forces in Iraq with the:
  - Overwatch Battle Group (West); or
  - Australian Army Training Team.

9. The Instrument, IMMI 08/016, commences on the day on which the *Migration Amendment Regulations 2008 (No 1)* commence.