

EXPLANATORY STATEMENT

Migration Act 1958

SUBSTANTIVE VISA CLASSES
(PARAGRAPHS 82(2AA)(a) and (b))

1. This Instrument is made under paragraphs 82(2AA)(a) and (b) of the *Migration Act 1958* ('the Act').
2. Subsection 82(2AA) of the Act provides that, despite subsection (2):
 - (a) a Maritime Crew visa held by a non-citizen does not cease to be in effect if a substantive visa for a non-citizen that is of a class specified by the Minister, by legislative instrument, for the purposes of this subsection comes into effect; and
 - (b) a substantive visa held by a non-citizen that is of a class specified by the Minister, by legislative instrument, for the purposes of this subsection does not cease to be in effect if a maritime crew visa for the non-citizen comes into effect.
3. The purpose of the Instrument is to state which classes of substantive visa may be held concurrently with the Maritime Crew visa (MCV).
4. The Instrument operates to indicate that any class of substantive temporary visa may be held concurrently with the MCV except for a Special Purpose visa granted to a person on the grounds that they are a member of the crew on a non-military ship, or a spouse, de facto partner or dependent of a member of the crew. This information will be required by immigration officers for the purposes of determining circumstances where another visa may be granted to the holder of an MCV, or where the MCV may be granted to the holder of another visa.
5. Pursuant to section 18 of the *Legislative Instruments Act 2003* consultation was not necessary. The Instrument is of a minor or machinery nature and does not substantially alter existing arrangements.
6. The Instrument, IMMI 09/058, commences on 1 July 2009.