

EXPLANATORY STATEMENT

Migration Regulations 1994

MIGRATION OCCUPATION IN DEMAND (REGULATIONS 1.15H AND 1.15I)

1. This Instrument is made under regulations 1.15H AND 1.15I of Division 1.2 of Part 1 of the *Migration Regulations 1994* ('the Regulations'), and specifies each skilled occupation applicable to a person for the purposes of the definition of ***migration occupation in demand***.
2. Regulation 1.03 of the Regulations provides that ***migration occupation in demand*** has the meaning given by regulation 1.15H. Regulation 1.03 of the Regulations also provides that ***skilled occupation*** has the meaning given by regulation 1.15I.
3. Subregulation 1.15H(1) of the Regulations provides that ***migration occupation in demand***, in relation to a person, means a skilled occupation of a kind that is specified by the Minister in an instrument in writing to be a migration occupation in demand and is applicable to the person in accordance with the specification. Subregulation 1.15H(2) provides that the Minister may specify in an instrument that a skilled occupation is a migration occupation in demand for a class of persons.
4. The Instrument revokes the previous Instrument number IMMI 10/025 signed by the Minister on 17 June 2010.
5. The purpose of the Instrument is to allow specified applicants to access MODL points if they apply for subclass 885, 886 or 487 visas before 1 January 2013. The Instrument has been updated to include the words 'on or' in paragraphs 2(a) and 2(b)(ii) after the words 'had applied'.
6. The Instrument operates to allow specified applicants who:
 - have a MODL occupation; and
 - apply for subclass 885, 886 or 487 visas before 1 January 2013to access the points test in effect at 8 February 2010, including accessing MODL points.
7. 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.

8. The Office of Best Practice Regulation was consulted in relation to the new points test and has advised that a Regulatory Impact Statement is not required (OBPR Reference 12733).
9. This Instrument number IMMI 11/033 commences on 1 July 2011, immediately after the commencement of *Migration Amendment Regulations 2011 (No. 3)*.