

Commonwealth of Australia

Migration Act 1958

INSTRUMENT OF DESIGNATION OF  
THE INDEPENDENT STATE OF PAPUA NEW GUINEA AS A REGIONAL PROCESSING COUNTRY  
UNDER SUBSECTION 198AB(1) OF THE MIGRATION ACT 1958

I, CHRIS BOWEN, Minister for Immigration and Citizenship, acting under subsection 198AB(1) of the Migration Act 1958 ("the Act"), thinking it is in the national interest to do so, DESIGNATE that the Independent State of Papua New Guinea is a regional processing country.

Dated: 9 October 2012

CHRIS BOWEN

Minister for Immigration & Citizenship

NOTE: Subsection 198AB(1) of the Act provides that the Minister may, by legislative instrument, designate that a country is a **regional processing country**. Subsection 198AB(2) of the Act provides that the only condition for the exercise of the power under subsection (1) is that the Minister thinks that it is in the national interest to designate the country to be a regional processing country. Subsection 198AB(3) of the Act, provides that in considering the national interest for the purposes of subsection (2), the Minister: (a) must have regard to whether or not the country has given Australia any assurances to the effect that: (i) the country will not expel or return a person taken to the country under section 198AD to another country where his or her life or freedom would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion; and (ii) the country will make an assessment, or permit an assessment to be made, of whether or not a person taken to the country under that section is covered by the definition of **refugee** in Article 1A of the Refugees Convention as amended by the Refugees Protocol and: (b) may have regard to any other matter, which in the opinion of the Minister, relates to the national interest.