

## **EXPLANATORY STATEMENT**

### *Migration Regulations 1994*

#### **SPECIFIED PLACE TO PROVIDE A PERSONAL IDENTIFIER 2015**

*(Subparagraph 2.04(3)(b)(ii) and sub-subparagraph 2.08AC(4)(a)(ii)(B))*

1. The Instrument IMMI 15/105 is made under *subparagraph 2.04(3)(b)(ii)* and *sub-subparagraph 2.08AC(4)(a)(ii)(B)* of the *Migration Regulations 1994* (the Regulations).
2. The Instrument revokes IMMI 15/080 (F2015L00647), signed on 30 April 2015, under subsection 33(3) of the *Acts Interpretation Act 1901*.
3. The purpose of the Instrument is to specify the addresses within the foreign countries of Vietnam and Nepal that are to be specified places where a visa applicant may provide their personal identifiers to the Department of Immigration and Border Protection (the Department).
4. The Instrument operates to specify places where a visa applicant may provide their personal identifiers, as identified in regulation 2.08AC, to the Department. Personal identifiers are to be provided for the purpose of assessing the validity of a visa application under sub-subparagraph 2.08AC(4)(a)(ii)(B) for the purposes of subsection 46(2C) of the *Migration Act 1958* (the Act), and for circumstances in which a visa may be granted under subparagraph 2.04(3)(b)(ii) for the purposes of paragraph 40(3)(a) and subsection 40(5) of the Act.
5. Consultation was not necessary as, under subsection 18(1) of the *Legislative Instruments Act 2003*, the Instrument is of minor or machinery nature and does not substantially alter existing arrangements.
6. Under section 44 of *Legislative Instruments Act 2003*, the instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.

7. The Office of Best Practice Regulation (OBPR) has advised a Regulatory Impact Statement is not required (OBPR reference 18609).
6. The Instrument, IMMI 15/105, commences on 17 July 2015.