

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. Instrument IMMI 15/125 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 15/105 (F2015L01155), signed on 17 July 2015 under subsection 33(3) of the *Acts Interpretation Act 1901*, which states where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.
3. The purpose of the Instrument is to specify the addresses within the foreign countries of Myanmar and New Zealand 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 to the Department, as:
 - a. a specified circumstance for granting a visa in subsection 40(3)(a) and subsection 40(5) of the *Migration Act 1958* (the Act) and the prescribed circumstances in subparagraph 2.04(3)(b)(ii) of the Regulations: and
 - b. a criterion of assessing validity of an application subsection 46(2C) of the Act and the prescribed circumstances in sub-subparagraph 2.08AC(4)(a)(ii)(B) of the Regulations.

5. External consultation was undertaken with the Department of Foreign Affairs and Trade when making the change to this Instrument.
6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 18609).
7. The Senior Executive Service, Band two, Visa and Citizenship Management Division was delegated the powers contained in subparagraph 2.04(3)(b)(ii) and sub-subparagraph 2.08AC(4)(a)(ii)(B) of the Regulations in Instrument of Delegation DEL 15/090, signed on 30 June 2015.
8. Under section 44 of the *Legislative Instruments Act 2003*, the Instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
9. The Instrument IMMI 15/125, commences on 29 September 2015.