

EXPLANATORY STATEMENT

Migration Act 1958

**GRANTING OF PARENT AND OTHER FAMILY VISAS IN 2016/2017 FINANCIAL
YEAR DETERMINATION 2016/055**

(section 85)

1. Instrument IMMI 16/055 is made under section 85 of the *Migration Act 1958* (the Act).
2. The Instrument revokes IMMI 13/071 (F2013L01168) and IMMI 15/111 (F2015L01846) in accordance with 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 Instrument operates to determine a specified maximum number of visas that may be granted in the financial year 1 July 2016 to 30 June 2017 for the specified visa.
4. The purpose of the Instrument is to determine the maximum number of visas that may be granted in the 2016-2017 financial year for:
 - a. Parent (Migrant) (Class AX) and Aged Parent (Residence) (Class BP) visas at 1550; and
 - b. Other Family (Migrant) (Class BO) and Other Family (Residence) (Class BU) visas at 520.

New Zealand citizens who are not otherwise included in the Migration Programme are also included in both of the specified maximum numbers of visas that may be granted as stated in paragraphs two and three of the instrument.

5. Extensive consultation is undertaken through the Budget and Migration Programme planning process which is undertaken each year by the Department of Immigration and Border Protection. The maximum numbers established by this Legislative Instrument are consistent with the Migration Planning levels for 2016-2017.

6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 20835).
7. Under section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*, the Instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
8. The Instrument commences on the day after registration on the Federal Register of Legislation.