

EXPLANATORY STATEMENT*Migration Regulations 1994***ARRANGEMENTS FOR RESIDENT RETURN VISA APPLICATIONS 2016/088***(Items 1118A, 1128, 1216)*

1. Instrument IMMI 16/088 is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations) for the purposes of items 1118A Special Eligibility (Class CB), 1128 Return (Residence) (Class BB) and 1216 Resident Return (Temporary) (Class TP) of Schedule 1 to the Regulations.
2. The Instrument revokes IMMI 16/042 (F2016L00785) 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 for the Minister to specify under subregulation 2.07(5) of the Regulations for items 1118A Special Eligibility (Class CB), 1128 Return (Residence) (Class BB) and 1216 Resident Return (Temporary) (Class TP) visas the requirement of an approved form for making an application for a visa of a specified class, the way in which an application for a visa of a specified class must be made and the place at which an application for a visa of a specified class must be made.
4. The purpose of the Instrument is to remove the availability of oral and written (other than form 1085) applications for item 1128 Return (Residence) (Class BB) visas and to specify the address to which applications other than internet applications can be posted, or delivered by courier service.
5. Consultation for the changes to remove oral and written (other than form 1085) was not undertaken as it impacts a very small cohort of applicants who will continue to have access to the online or paper visa application form in the same way as most other visas. Specifying the lodgement location of onshore paper applications to Sydney office will

assist in streamlining the application process. The border website and form 1085 will reflect the changes from the commencement date.

6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 20079).
7. The Senior Executive Service, Band two, Digital Transformation and Channels Division was delegated the powers contained in subregulation 2.07(5) of the Regulations in Instrument of Delegation DEL 16/048, signed on 4 August 2016.
8. 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.
9. The Instrument commences on 10 September 2016.