

EXPLANATORY STATEMENT

Migration Regulations 1994

PRIORITY CONSIDERATION OF CERTAIN VISA APPLICATIONS 2016/093

(Subregulation 2.12M(7))

1. Instrument IMMI 16/093 is made under subregulation 2.12M(7) of the *Migration Regulations 1994* (the Regulations).
2. The Instrument revokes IMMI 16/022 (F2016L00321) 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 specify certain matters for subregulation 2.12M(2) and (5) of the Regulations to allow for the requests for priority consideration of certain visa applications (“priority consideration service”).
4. The purpose of the Instrument is to extend the Priority Consideration service to eligible passport holders from the Republic of India and the United Arab Emirates.
5. Consultation was undertaken with Austrade, Tourism and the Department of Foreign Affairs and Trade before the instrument was made.
6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 19029).
7. The Senior Executive Service, Band one, Temporary Visa Programme Branch was delegated the powers contained in subparagraph 2.12M(7) 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 5 December 2016.