

EXPLANATORY STATEMENT

Migration Regulations 1994

ARRANGEMENTS FOR WORK AND HOLIDAY AND WORKING**HOLIDAY VISA APPLICATIONS 2017/003 (IMMI 17/003)**

(Items 1224A and 1225 and paragraph 462.221(c))

1. Instrument IMMI 17/003 is made under Items 1224A and 1225 and paragraph 462.221(c) of the *Migration Regulations 1994* (the Regulations).
2. The Instrument revokes IMMI 16/101 (F2016L01763) under Items 1224A and 1225 and paragraphs 462.221(c) of the Regulations and 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:
 - a. specify foreign countries that have issued a valid passport that an applicant making a Work and Holiday (Temporary) (Class US) visa application must hold;
 - b. specify education qualifications that must be held by an applicant making a Work and Holiday (Temporary) (Class US) visa application (where the applicant is not, and has not previously been, in Australia as the holder of a Subclass 462 (Work and Holiday) visa);
 - c. specify the place and manner for making a valid Working Holiday (Temporary) (Class TZ) and Work and Holiday (Temporary) (Class US) visa application; and
 - d. specify that applicants holding a passport issued by specified foreign countries are a class of persons who do not have to provide evidence of government support for the grant of a Work and Holiday (Temporary) (Class US) visa.

4. The purpose of the Instrument to:
 - a. specify Hungary, Luxembourg and San Marino as eligible Work and Holiday (Temporary) (Class US) visa partner countries;
 - b. specify educational qualification for applicants who have a passport issued in Hungary, Luxembourg or San Marino;
 - c. specify the place and manner for making a valid Work and Holiday (Temporary) (Class US) application in Hungary, Luxembourg and San Marino; and
 - d. remove the street address as a specified address for making a Work and Holiday (Temporary) (Class US) visa application for applicants in Poland, Portugal, Slovak Republic, Slovenia and Spain.
5. The Department of Immigration and Border Protection undertook consultation with the governments of Hungary, Luxembourg and San Marino with respect to changes to work and holiday arrangements between Australia and those countries. The Instrument is required to implement changes made as a result of memoranda of understanding executed between Australia and Hungary, Luxembourg and San Marino.
6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement not required (OBPR References 18328 and 21215).
7. The Senior Executive Service, Band two, Visa and Citizenship Management Division, was delegated the powers required to make the Instrument in Instrument of Delegation DEL 16/067, signed on 9 November 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 1 January 2017.