# EXPLANATORY STATEMENT

## *Migration Regulations 1994*

**MIGRATION (IMMI 17/016: ARRANGEMENTS FOR FAMILY VISA APPLICATIONS AND NEW ZEALAND (FAMILY RELATIONSHIP) VISA APPLICATIONS) INSTRUMENT 2017**

*(Items 1123A, 1123B and Item 1214BA)*

1. Instrument IMMI 17/016 is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations) for items 1123A, 1123B and 1214BA of Schedule 1 to the Regulations.
2. The Instrument repeals IMMI 15/034 (F2015L00553) and IMMI 15/046 (F2015L00568) under subregulations 2.07(5) 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 specify the approved forms, and the place and manner for making an application for the following visas:
4. Other Family (Migrant) (Class BO) visa;
5. Other Family (Residence) (Class BU) visa; and
6. New Zealand (Family Relationship) (Temporary) (Class UP) visa;
7. The purpose of the instrument is to specify a centralised office of Department of Immigration and Border Protection as the place to which applications for Other Family (Residence) (Class BU) visa and New Zealand (Family Relationship) (Temporary) (Class UP) visa must be posted or delivered.
8. Consultation regarding the changes to centralise paper applications for Other Family (Residence) (Class BU) and New Zealand (Family Relationship) (Temporary) (Class UP) was not undertaken as it is a minor administrative change. The change impacts a small cohort of applicants.  Specifying the lodgement location of onshore paper applications will assist in streamlining the application process. The Department’s website and forms will reflect the changes from the commencement date.
9. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 21545 and 21544).
10. 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.
11. This instrument commences on 20 February 2017.