

EXPLANATORY STATEMENT*Migration Regulations 1994***Migration (IMMI 17/051: Arrangements for Protection, Humanitarian and Refugee Visas) Instrument 2017***Subregulation 2.07(5)*

1. Instrument IMMI 17/051 is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations).
2. The instrument repeals IMMI 16/024 (*F2016L00577*) under subregulation 2.07(5) of the Regulations and in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (the AIA). Subsection 33(3) of the AIA states that 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. For sections 45 and 46 of the *Migration Act 1958* (which deal with applications for visas), subregulation 2.07(5) of the Regulations empowers the Minister to make legislative instruments specifying the requirements in relation to: the approved form for making an application; the way in which an application for a visa must be made; and the place at which an application must be made. This instrument specifies those requirements for the Protection (Class XA), Refugee and Humanitarian (Class XB), Temporary Protection (Class XD) and Safe Haven Enterprise (Class XE) visas.
4. The purpose of the instrument is to:
 - a. Improve efficiencies for the Department and simplify the application process for protection visa applicants by approving consolidated forms 866 (Internet) and 866 for Protection (Class XA) visas, initial Safe Haven Enterprise (Class XE) visas, and initial Temporary Protection (Class XD) visas;
 - b. Simplify and shorten the application processes for protection visa applicants by approving forms 1505 (Internet) and 1505 for subsequent Safe Haven

Enterprise (Class XE) visa applications and subsequent Temporary Protection (Class XD) visa applications.

- c. Facilitate a new online application pathway by specifying the new approved Form 866 (internet) for the purposes of applying for Protection (Class XA), initial Temporary Protection (Class XD) and initial Safe Haven Enterprise (Class XE) visas, and prescribing the new Form 1505 (internet) for the purposes of applying for subsequent Temporary Protection (Class XD) and subsequent Safe Haven Enterprise (Class XE) visas.
 - d. Amend the place and manner requirements for applying for Protection (Class XA) visas, Safe Haven Enterprise (Class XE) visas, and Temporary Protection (Class XD) visas.
5. In accordance with paragraph 15J(2)(e) of the *Legislation Act 2003* consultation was not necessary. The Instrument is of a minor or machinery nature and does not substantially alter existing arrangements.
 6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 22463).
 7. The officer Luke Mansfield (Senior Executive Service, Band two, Refugee Humanitarian Visa Management Division) who made the instrument was delegated the powers required to make the instrument in the Instrument of Delegation DEL 17/026, signed on 9 May 2017.
 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 1 July 2017.