

EXPLANATORY STATEMENT

Migration Regulations 1994

MIGRATION (IMMI 17/052: PRIORITY CONSIDERATION OF CERTAIN VISA APPLICATIONS) INSTRUMENT 2017

(Paragraph 2.12M(7))

1. Instrument IMMI 17/052 is made under paragraph 2.12M(7) of the *Migration Regulations 1994* (the Regulations).
2. The instrument repeals IMMI 16/093 (F2016L01830) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (the AIA), 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 online requests for priority consideration of certain visa applications (“priority consideration service”).
4. The purpose of the instrument is to enable, from 1 July 2017, requests for priority consideration of Visitor visa applications to be made online. The Instrument reflects that for all eligible passport holders from China, India and the UAE and kinds of visas (Tourist Stream, Business Stream), Visitor visa applications associated with a priority consideration request may be made as an internet application, using Form 1419 (Internet) in addition to the existing paper visa application lodgement options specified in the Instrument. Applicants must be located in their country of passport (eligible passports only as specified in the Instrument) at the time they make their visa application and associated priority consideration request.
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 19029).
7. 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.
8. The instrument commences on 1 July 2017.