

EXPLANATORY STATEMENT

Migration Regulations 1994

MIGRATION (IMMI 17/101: ARRANGEMENTS FOR PARTNER AND PROSPECTIVE MARRIAGE VISA APPLICATIONS) INSTRUMENT 2017

(Items 1124B, 1129, 1214C, 1215 and 1220A).

1. Instrument IMMI 17/101 is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations) for the purposes of items 1124B, 1129, 1214C, 1215 and 1220A of Schedule 1 to the Regulations.
2. The Instrument IMMI 17/101 operates to specify the approved form, place and manner for making an application for the following visas:
 - a) Partner (Residence) (Class BS) visa;
 - b) Partner (Migrant) (Class BC) visa;
 - c) Partner (Temporary) (Class UK) visa;
 - d) Prospective Marriage (Temporary) (Class TO) visa; and
 - e) Partner (Provisional) (Class UF) visa.
3. The purpose of Instrument IMMI 17/101 is to vary the requirements for making a valid application for the specified Partner visas, in line with amendments made to the Regulations, specified in the *Migration Legislation Amendment (2017 Measures No. 4) Regulation 2017*. This allows the required application form and address for lodgement of a visa application to be specified in the Instrument rather than directly in Schedule 1 to the Regulations.
4. Providing for these matters to be specified in the Instrument will allow more flexible and responsive legislative changes to the required forms and address for lodgement of specified visas to be made.

5. The Instrument provides for the use of specified online forms for visa applications. The Instrument also removes the in-person lodgement option for specified Partner visas, however paper applications will still be accepted in compelling circumstances, if the applicant receives authorisation from a Department of Immigration and Border Protection officer prior to submitting their application.
6. In accordance with paragraph 15J(2)(e) of the *Legislation Act 2003*, consultation was not necessary. The Instrument IMMI 17/101 is of a minor or machinery nature and does not substantially alter existing arrangements.
7. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement (RIS) is not required (OBPR Reference: 22323).
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 18 November 2017.