

EXPLANATORY STATEMENT*Migration Regulations 1994***Migration (IMMI 18/023: Arrangements for Work and Holiday and Working Holiday Visa Applications) Amendment Instrument 2018**

(subregulation 2.07(5), paragraph 1224A(3)(a), subparagraph 1224A(3)(b)(iii) and subitem 1225(5) of Schedule 1 and subclause 417.211(2) and paragraphs 462.212(b) and 462.221(c) of Schedule 2)

1. Instrument IMMI 18/056 is made under subregulation 2.07(5), paragraph 1224A(3)(a), subparagraph 1224A(3)(b)(iii) and subitem 1225(5) of Schedule 1 and subclause 417.211(2) and paragraphs 462.212(b) and 462.221(c) of Schedule 2 to the *Migration Regulations 1994* (the Regulations).
2. The instrument amends *Migration (IMMI 18/023: Arrangements for Work and Holiday and Working Holiday Visa Applications) Instrument 2017* under subsection 33(3) of the *Acts Interpretation Act 1901* (the Interpretation Act). Subsection 33(3) of the Interpretation Act 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. The instrument operates to:
 - a. specify foreign countries that have issued a valid passport that must be held by a person making an application for a Work and Holiday (Temporary) (Class US) visa;
 - b. specify education qualifications that must be held by a person making an application for a Subclass 462 (Work and Holiday) visa where the applicant has not previously been and is not currently in Australia as the holder of a Subclass 462 (Work and Holiday) visa;
 - c. specify the approved forms, place and manner for making a valid application for either a Working Holiday (Temporary) (Class TZ) visa or a Work and Holiday (Temporary) (Class US) visa;

- d. specify foreign countries that may issue a working holiday eligible passport that must be held by a person making an application for a Subclass 417 (Working Holiday) visa;
 - e. specify the upper age limit for a person making an application for either a Subclass 462 (Work and Holiday) visa or a Subclass 417 (Working Holiday) visa; and
 - f. 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 this instrument is to remove Bangladesh as a foreign country for the purposes of paragraph 1224A(3)(a) of Schedule 1 to the Regulations, which will cease the ability for Bangladeshi passport holders to make an application for a Work and Holiday (Temporary) (Class US) visa.
 5. External consultation has taken place with the Department of Foreign Affairs and the Bangladeshi Government with regard to the cessation of the Work and Holiday Visa (Subclass 462) arrangement as of 15 March 2018.
 6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference: 23101).
 7. Under section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*, the instrument is not subject to disallowance and therefore a Statement of Compatibility with Human Rights is not required.
 8. This instrument commences on 15 March 2018.