

EXPLANATORY STATEMENT

Migration Regulations 1994

MIGRATION (IMMI 18/118: ARRANGEMENTS FOR VISITOR (CLASS FA) VISA APPLICATIONS) INSTRUMENT 2018

(Subregulation 2.07(5) and item 1236 of Schedule 1)

1. Instrument IMMI 18/118 is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations).
2. The instrument revokes IMMI 17/124 (F2017L01454) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*, which 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 for the Minister to:
 - a. specify the approved forms, place and manner for making a valid visa application for a Visitor (Class FA) visa; and
 - b. specify the travel agents that organised a tour an applicant must be a member of when intending to travel to Australia in the Approved Destination Status stream for a Subclass 600 (Visitor) visa.
4. The instrument is substantively the same as the repealed instrument (IMMI 17/124), except that it now specifies that all non-internet based applications made by applicants for a Subclass 600 (Visitor) visa in the Sponsored Family stream must be sent by post or courier to a specified address in Sydney, regardless of the location of the applicant's sponsor. In the previous instrument, applications made by post or courier had to be sent to a specified address in either Sydney or Brisbane, depending on the state in which the applicant's sponsor was located.

5. Additionally, the instrument specifies that all non-internet based applications made by applicants in Australia for a Subclass 600 (Visitor) visa in the Tourist stream must be made by post or courier to a specified address in Sydney, instead of Adelaide.
6. 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.
7. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 23580).
8. The Senior Executive Service, Band 1 officer in Immigration and Visa Services Division who made the instrument was delegated the powers required to make the instrument in the Minister – Delegations Instrument No. 5 of 2018 (Instrument Making Powers) (MHA No. 5 of 2018), signed on 10 April 2018.
9. 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.
10. The instrument applies to new applications made on or after 1 July 2018.