

**EXPLANATORY STATEMENT**

*Migration Regulations 1994*

**MIGRATION (IMMI 18/100: ARRANGEMENTS FOR APPLICATIONS FOR BRIDGING VISAS) INSTRUMENT 2018**

*(Subregulation 2.07(5))*

1. Instrument IMMI 18/100 is made under subregulation 2.07(5) of the *Migration Regulations 1994* ('the Regulations').
2. The instrument repeals IMMI 18/057 (F2018L00289) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (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. This instrument only applies to applications made on or after 1 July 2018.
4. The operation of this instrument is to specify arrangements for applications for bridging visas. Subregulation 2.07(5) of the Regulations empowers the Minister to make legislative instruments specifying requirements in relation to an approved form for making an application; the manner an application for a visa must be made; and the place where an application must be made. This instrument specifies these requirements for Bridging A (Class WA), Bridging B (Class WB), Bridging C (Class WC), Bridging D (Class WD), Bridging E (Class WE) and Bridging F (Class WF) visas.
5. The purpose of this instrument is to prescribe a form, Form 1008 (Internet), for Bridging E (Class WE) visas. This form differs from those prescribed in the repealed instrument IMMI 18/057. The new form may only be used by applicants who do not have a pending BVE application, as defined in the instrument, this measure will mitigate submission of surplus applications. The instrument replicates all other arrangements from the repealed instrument IMMI 18/057.

6. This instrument does not substantially alter existing arrangements; as such changes are considered to be minor or machinery in nature. In accordance with paragraph 15J(2)(e) of the *Legislation Act 2003* consultation was deemed not necessary.
7. The instrument is made by a delegate of the Minister for Home Affairs and Minister for Immigration and Border Protection. The instrument making power is delegated to the Senior Executive Service, Band Two Officer of Immigration, Citizenship and Multiculturalism Policy Division under *Minister – Delegations Instrument No. 5 of 2018 (Instrument Making Powers (MHA No. 5 of 2018))*.
8. The Office of Best Practice Regulation (OBPR) has advised that a Regulation Impact Statement (RIS) is not required (OBPR Reference: 23813).
9. Under section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*, the instrument is exempt from disallowance and a Statement of Compatibility with Human Rights is not required.
10. The instrument commences on 1 July 2018.