

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (IMMI 18/084: Specification of ETA-Eligible Passports) Instrument 2018

Subregulation 1.11B(1)

1. The instrument, IMMI 18/084, is made under subregulation 1.11B(1) of the *Migration Regulations 1994* (the Regulations).
2. The instrument repeals IMMI 16/066 (F2016L01198) made under 1.11B of the Regulations and in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (the AIA). Subsection 33(3) of the AIA 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 specify the kinds of passports that are Electronic Travel Authority (ETA) eligible passports for visa applications, and the conditions which must be satisfied for those passports.
4. The purpose of this instrument is to remove Subclass 457 (Temporary Work (Skilled)) visas as a specified subclass of visa for the purposes of subregulation 1.11B(2). The Subclass 457 visa was repealed following changes made to the Regulations by the *Migration Legislation Amendment (Temporary Skill Shortage Visa and Complementary Reforms) Regulations 2018*.
5. Consequential to the consultation and review process undertaken in the replacement of the Subclass 457 visa and the cessation of the visa labels as prescribed form of evidence by the *Migration Amendment (Visa Labels) Regulation 2015* in September 2015, it was necessary to revoke IMMI 16/066 to reflect the changes. Accordingly, this instrument is of a minor, machinery nature and therefore in accordance with paragraph 15J(2)(e) of the *Legislation Act 2003*.

6. A Regulation Impact Statement has been prepared in accordance with advice from the Office of Best Practice Regulation (OBPR Reference: 21946).
7. Under section 10 of the *Legislation (Exemptions and Other Matters) Regulations 2015* the instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
8. This instrument applies to all applications made on or after the commencement of this instrument.
9. The instrument commences on the day after registration on the Federal Register of Legislation.