

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (LIN 19/093: Arrangements for Protection, Refugee and Humanitarian Visas) Amendment Instrument 2019

(Subregulation 2.07(5))

1. The instrument is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations).
2. The instrument amends LIN 18/029 (F2018L01235) 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. LIN 18/029 operates to provide an additional manner for lodging a paper application form for the Refugee and Humanitarian (Class XB) visas and to remove the Onshore Protection Victoria and the Special Humanitarian Processing Centre in Melbourne as approved places for lodging a Protection (Class XA) visa application or a Refugee and Humanitarian (Class XB) visa application.
4. The purpose of LIN 19/093 is to amend section 10 of Part 3 and Column 3 of the table in Schedule 1 to LIN 18/029. The amendment is to ensure consistency of style and format throughout the instrument.
5. In accordance with paragraph 15J(2)(e) of the *Legislation Act 2003*, consultation was not necessary. The instrument makes minor typographical amendments to LIN 18/029 and does not alter existing arrangements of the previous instrument that applies to applications made before the commencement of LIN 18/029.
6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference: 23737).

7. 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.
8. The instrument commences on the day after registration on the Federal Register of Legislation.