

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (LIN 19/186: Arrangements for Applications for Bridging Visas) Instrument 2019

(Subregulation 2.07(5))

1. Instrument LIN 19/186 is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations).
2. The instrument repeals *Migration (IMMI 18/100: Arrangements for Applications for Bridging Visas) Instrument 2018* (F2018L00904) 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. The operation of this instrument is to specify arrangements for applications for bridging visas under subregulation 2.07(5) of the Regulations. 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.
4. The purpose of this instrument is to include the internet application form, Form 1502 (Internet), as an application for a Bridging A (Class WA) visa, Bridging C (Class WC) visa and Bridging E (Class WE) visa. This ensures visa applicants lawfully stay in Australia if they have been permitted to apply for a Temporary Sponsored Parent visa in Australia. The instrument replicates all other arrangements from the repealed instrument IMMI 18/100.

5. Consultation was undertaken before the instrument was made, in accordance with subsection 17(1) of the *Legislation Act 2003*, which envisages consultations where appropriate and reasonably practicable. The Department consulted with other relevant government agencies and community stakeholders prior to the Government's announcement of 4 May 2017, that it would implement the Subclass 870 (Sponsored Parent (Temporary)) visa as part of the 2017-18 Budget measures. The Department consulted with the following agencies:
 - a. Attorney-General's Department;
 - b. Australian Taxation Office;
 - c. Department of Finance;
 - d. Department of Health;
 - e. Department of Human Services;
 - f. Department of the Prime Minister and Cabinet;
 - g. Department of Social Services;
 - h. The Treasury.
6. The instrument is made by a delegate of the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs. 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))*.
7. The Office of Best Practice Regulation (OBPR) has advised that a Regulation Impact Statement (RIS) is required (OBPR Reference: 21913).
8. 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.
9. The instrument commences on 1 July 2019.