

## **EXPLANATORY STATEMENT**

### *Migration Regulations 1994*

#### **Migration (LIN 19/185: Arrangements for Family (Temporary) (Class GH) Visa) Instrument 2019**

##### *(Subregulation 2.07(5))*

1. Instrument LIN 19/185 is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations).
2. The operation of this instrument is to specify requirements for the Family (Temporary) (Class GH) visa class (Class GH visa). The Subclass visa under the Class GH visa is the Subclass 870 - Sponsored Parent (Temporary) visa (Subclass 870 visa). Subregulation 2.07(5) of the Regulations empowers the Minister to make legislative instruments specifying criteria or requirements in relation to an approved form for making an application for a specified class of visa, the way in which an application for a specified class of visa must be made, the place at which an application for a specified class of visa must be made, and any other matter.
3. The purpose of the instrument is to specify the requirement that Form 1502 (Internet) is the approved form for making an application for a Class GH visa and specify the place and manner for making an application for a Class GH visa. This instrument is a ministerial priority in line with the (*Migration Amendment (Sponsored Parent Visa and Other Measures) Regulations 2019*) which commenced on 17 April 2019.
4. Under these arrangements, applications for Class GH visa can only be made by internet. The allowable time for lodging a valid visa application offshore extends up to six months from the time of sponsorship approval, and 60 days from the time of sponsorship approval for an onshore application. These periods provide sufficient time to ensure short term IT systems outages will not impact on a person's ability to apply for a Class GH visa.
5. 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 One Officer of Immigration, Citizenship and Multiculturalism Policy Division under *Minister – Delegations Instrument No. 5 of 2018 (Instrument Making Powers (MHA No. 5 of 2018))*.

6. Consultation was undertaken by the Department with other relevant government agencies and community stakeholders prior to the Government announcement of 4 May 2017 that it would implement the Subclass 870 (Sponsored Parent (Temporary)) visa in the Item 1239 – Family (Temporary) (Class GH) visa class 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.
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.