

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (LIN 20/051: Arrangements for certain Business Skills visas) Instrument 2020

(subregulation 2.07(5))

1. The instrument, LIN 20/051, is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations).
2. In accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (the AIA), the instrument repeals *Migration (LIN 19/189: Arrangements for certain Business Skills Visas) Instrument 2019* (F2019L01230) made under subregulation 2.07(5) of the Regulations. 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 approved form for making a valid application for the following visa classes:
 - a. Business Skills Business Talent (Permanent) (Class EA) visa;
 - b. Business Skills (Permanent) (Class EC) visa;
 - c. Business Skills (Provisional) (Class EB) visa;
 - d. Business Skills (Residence) (Class DF) visa;
 - e. Distinguished Talent (Migrant) (Class AL) visa;
 - f. Distinguished Talent (Residence) (Class BX) visa;
 - g. Business Skills (Provisional) (Class UR) visa.
4. The instrument also operates to specify the place for lodgement and the manner in which an application must be made to ensure a valid application is made for the relevant visa class.
5. The purpose of the instrument is to specify an additional approved form, place and manner for Distinguished Talent (Migrant) (Class AL) visa and Distinguished Talent

(Residence) (Class BX) visa (Distinguished Talent visa) applicants. A Distinguished Talent visa applicant may make their application using Form 47DT (Internet) as an internet application. This is in addition to the ability of Distinguished Talent visa applicants to make their application using Form 47SV by post, courier or using the Global Talent contact form available at the following address: <https://immi.homeaffairs.com.au/global-talent-contact-form>. Distinguished Talent visa applicants will therefore have more options in which to lodge an application for a visa, providing an additional benefit to these applicants.

6. In accordance with paragraph 15J(2)(e) of the *Legislation Act 2003*, external consultation was not necessary as the change was of a minor or machinery nature and does not substantially alter existing arrangements made by the previous instrument LIN 19/189. Distinguished Talent visa applicants can continue to make their application using Form 47SV by post, courier or using the Global Talent contact form under LIN 20/051.
7. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 25932).
8. The officer (Senior Executive Service, Band One, Skilled and Family Visa Program Branch, Immigration Programs Division) who made the instrument was delegated the powers required to make the instrument in the *Instrument Making Powers (Minister) Instrument 2019/228*, signed on 12 September 2019.
9. Under item 20 of the table in 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.
10. The Instrument commences on 29 February 2020.