

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (LIN 20/068: Arrangements for Bridging visa applications) Instrument 2020

(Subregulation 2.07(5))

1. Instrument LIN 20/068 is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations).
2. The instrument repeals *Migration (LIN 19/186: Arrangements for Applications for Bridging Visas) Instrument 2019* (F2019C00856) 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 instrument operates to specify arrangements for bridging visa applications under subregulation 2.07(5) of the Regulations. Subregulation 2.07(5) of the Regulations empowers the Minister to make legislative instruments if an item in Schedule 1 of the Regulations prescribes requirements by reference to an instrument made under subregulation 2.07(5), in relation to an approved form for making a visa application, the manner in which a visa application must be made, and the place where a visa application must be made. LIN 20/068 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 The purpose of this instrument is to amend a drafting error in the repealed instrument LIN 19/186 that added Form 1008 (Internet) as an approved form for a Bridging A (Class WA) visa and removed Form 1008 (Internet) as an approved form for an application for a Bridging E (Class WE) visa. LIN 20/068 ensures Form 1008 (Internet) is an approved form for a Bridging E (Class WE) visa where an applicant does not have another pending application for a Bridging E (Class WE) visa. This enables a valid

Bridging E (Class WE) visa application to be made. The instrument replicates all other arrangements from LIN 19/186.

5. 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.
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 and Community Protection Policy Division under the *Instrument Making Powers (Minister) Instrument 2019/228* signed on 17 September 2019.
7. The Office of Best Practice Regulation (OBPR) has advised that a Regulation Impact Statement is not required (OBPR Reference: 26084).
8. 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.
9. The instrument commences the day after it is registered on the Federal Register of Legislation.