

EXPLANATORY STATEMENT

Issued by authority of the Minister for Immigration, Citizenship and Multicultural Affairs

Migration Regulations 1994

Migration (Specification of eVisitor eligible passport) Instrument (LIN 23/064) 2023

- 1 The instrument, Departmental reference LIN 23/064, is made under regulation 1.11C of the *Migration Regulations 1994* (the Migration Regulations).
- 2 The instrument repeals *Migration Regulations 1994 – Specification of an eVisitor – Eligible Passports – IMMI 13/078* in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (the Acts Interpretation Act). That subsection provides that a power to make a legislative instrument includes a power to amend or repeal that instrument in the same manner, and subject to the same conditions, as the power to make the instrument.
- 3 The instrument commences on the day after registration on the Federal Register of Legislation, and is a legislative instrument for the *Legislation Act 2003* (the Legislation Act).

Purpose

- 4 Regulation 1.11C of the Migration Regulations provides that a passport is an eVisitor eligible passport if it is a valid passport of a kind specified by the Minister in an instrument in writing, and the conditions (if any) specified in the instrument for that passport are satisfied.
- 5 To make a valid application for a Subclass 651 (eVisitor) visa, all applicants must hold an eVisitor eligible passport pursuant to paragraph 1218AA(3)(b) of Schedule 1 to the Migration Regulations. As such, the purpose of this instrument is to specify eVisitor eligible passports, and any conditions that must be satisfied.
- 6 LIN 23/064 maintains all arrangements previously in place under IMMI 13/078, which is repealed by this instrument.

Consultation

- 7 The Department of Foreign Affairs and Trade was consulted in relation to the naming conventions for certain European countries mentioned in the instrument.
- 8 The Office of Impact Analysis (OIA) was consulted and considered that the instrument dealt with matters of a minor nature and no regulatory impact statement was required. The OIA reference number is OIA23-05234.

Parliamentary scrutiny etc.

- 9 The instrument is exempt from disallowance under section 42 of the Legislation Act. This is because a legislative instrument made under Part 1 of the Migration Regulations is prescribed by section 10, item 20(b) of the *Legislation (Exemptions and Other Matters) Regulation 2015* as an instrument that is not subject to disallowance.

- 10 The instrument was made by the Minister for Immigration, Citizenship and Multicultural Affairs, in accordance with regulation 1.11C of the Migration Regulations.