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

The instrument, Departmental reference LIN 23/064, is made under regulation 1.11C of the *Migration Regulations 1994* (the Migration Regulations).

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.

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

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.

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.

LIN 23/064 maintains all arrangements previously in place under IMMI 13/078, which is repealed by this instrument.

Consultation

The Department of Foreign Affairs and Trade was consulted in relation to the naming conventions for certain European countries mentioned in the instrument.

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.

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*.*

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