

## EXPLANATORY STATEMENT

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

### *Migration Regulations 1994*

#### ***Migration (Arrangements for Resident Return visa applications) Amendment Instrument (LIN 23/014) 2023***

- 1 The instrument, Departmental reference LIN 23/014, is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the **Regulations**).
- 2 The instrument amends *Migration (Arrangements for Resident Return visa applications) Instrument (LIN 22/019) 2022* (LIN 22/019) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*. 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, and is a legislative instrument for the *Legislation Act 2003*.

#### ***Purpose***

- 4 Subregulation 2.07(5) of the Regulations provide that if an item of Schedule 1 to the Regulations prescribes criteria or requirements by reference to a legislative instrument made under that subregulation, the Minister may, by legislative instrument, specify the following:
  - (a) an approved form for making an application for a visa of a specified class;
  - (b) the way in which an application for a visa of a specified class must be made
  - (c) the place at which an application for a visa of a specified class must be made;
  - (d) any other matter.
- 5 The purpose of this instrument is to update LIN 22/019 to reflect changes to the approved form, place and manner for making an application for a Special Eligibility (Class CB) visa application. Specifically, the instrument amends the address to which an application for a Special Eligibility (Class CB) visa must be sent.
- 6 Section 4 of the existing LIN 22/019 provides that for subitem 1118A(1) and paragraph 1118A(3)(a) of Schedule 1 to the Regulations, an application for a Special Eligibility (Class CB) visa must be made using form 47SV and be posted with sufficient prepaid postage to:
  - Department of Home Affairs  
Locked Bag 7  
Northbridge WA 6865  
Australia.

7 There are approximately 10 Subclass 151 (Former Resident) visa applications lodged each year that fall within the Class CB visa category mentioned in paragraph 6 above. This instrument will amend section 4 of LIN 22/019 to change the postal address to:

- Subclass 151 Visa Application  
Department of Home Affairs  
PO Box 9984  
Sydney NSW 2001  
Australia.

8 The instrument will maintain all other arrangements previously in place under LIN 22/019.

#### ***Consultation***

9 The Office of Impact Analysis (OIA) (previously known as The Office of Best Practice Regulation (OBPR)) was consulted and considered that the instrument is unlikely to have a more than minor regulatory impact. As such, impact analysis (IA) (previously known as Regulation Impact Statement) is not required (OBPR reference number: OBPR22-03452).

10 Further external consultation in the development of the instrument was not necessary as the change was of a minor or machinery nature and does not substantially alter the existing arrangements prescribed by the amended instruments.

#### ***Details of the instrument***

11 Schedule 1 amends section 4 of LIN 22/019 to set out the updated postal address for making an application for a Class CB visa.

#### ***Parliamentary scrutiny etc.***

12 The instrument is exempt from disallowance under section 42 of the Legislation Act. This is because instruments made under Part 2 and Schedule 1 to the Regulations are exempt in accordance with subitem 20(b) of the table in section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*.

13 The instrument was made by a delegate of the Minister, in accordance with subregulation 2.07(5), subitem 1118A(1) and paragraph 1118A(3)(a) of Schedule 1 to the Regulations.

Unless otherwise indicated in this document, it is Copyright of the Commonwealth of Australia and the following applies:

Copyright Commonwealth of Australia.

This material does not purport to be the official or authorised version. Reproduction and use of this material is subject to a [Creative Commons Attribution-NonCommercial-ShareAlike 3.0 Australia License](#).

You should make independent inquiries and obtain appropriate advice before relying on the information in any important matter.

This document has been distributed by LexisNexis Australia. All queries regarding the content should be directed to the author of this document.