

EXPLANATORY STATEMENT

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

Migration Regulations 1994

Migration (Visitor Visa Applications from Citizens of the People's Republic of China) Instrument (LIN 23/020) 2023

- 1 The instrument, Departmental reference LIN 23/020, is made under subclause 600.251(2) of Schedule 2 to the *Migration Regulations 1994* (the Migration Regulations).
- 2 The instrument repeals *Migration Regulations 1994 – Visitor Visa Applications from Citizens of the People's Republic of China – IMMI 13/008* (F2013L00513) 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 and is a legislative instrument for the *Legislation Act 2003* (Legislation Act).

Purpose

- 4 Subclause 600.251(1) of Schedule 2 to the Migration Regulations requires that an applicant for a Subclass 600 Visitor visa in the Approved Destination Status (ADS) stream be a citizen of the People's Republic of China (PRC).
- 5 Subclause 600.251(2) of Schedule 2 to the Migration Regulations also requires the same citizen to be a resident in an area of PRC specified by the Minister in an instrument in writing.
- 6 The purpose of this instrument is to list all provinces, municipalities and autonomous regions in Mainland China as specified areas for the purposes of subclause 600.251(2) of the Migration Regulations.
- 7 The instrument will maintain the arrangements previously in place under *Migration Regulations 1994 – Visitor Visa Applications from Citizens of the People's Republic of China – IMMI 13/008*, which is repealed by the instrument.

Consultation

- 8 Consultation is unnecessary as the instrument is of a machinery nature and does not alter existing arrangements.
- 9 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 OBPR23-04317.

Details of the instrument

- 10 Part 1 of Schedule 1 provides the provinces in PRC that are specified areas for the purposes of subclause 600.251(2) of Schedule 2 to the Migration Regulations.
- 11 Part 2 of Schedule 1 provides the municipalities in PRC that are specified areas for the purposes of subclause 600.251(2) of Schedule 2 to the Migration Regulations.
- 12 Part 3 of Schedule 1 provides the autonomous regions in PRC that are specified areas for the purposes of subclause 600.251(2) of Schedule 2 to the Migration Regulations.

Parliamentary scrutiny etc.

- 13 The instrument is exempt from disallowance under section 42 of the Legislation Act. This is because a legislative instrument made under Schedule 2 to the Migration Regulations is prescribed under section 10, item 20(b), of the *Legislation (Exemptions and Other Matters) Regulation 2015* as an instrument not subject to disallowance.
- 14 As the instrument is exempt from disallowance, a Statement of Compatibility with Human Rights is not required.
- 15 The instrument was made by a delegate of the Minister for Immigration, Citizenship and Multicultural Affairs, in accordance with subclause 600.251(2) of Schedule 2 to the Migration Regulations.

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