

## 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Regulations 1994 – Visitor Visa Applications from Citizens of the People's Republic of China – IMMI 13/008*, which is repealed by the instrument.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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