



Migration (LIN 19/131: Granting of Contributory Parent Visas, Parent Visas and Other Family Visas in the 2019/2020 Financial Year) Instrument 2019

I, David Coleman, Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, make the following instrument.

Dated 8 November 2019

The Hon David Coleman MP
Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

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Part 1 – Preliminary

1 Name

- (1) This instrument is the *Migration (LIN 19/131: Granting of Contributory Parent Visas, Parent Visas and Other Family Visas in the 2019/2020 Financial Year) Instrument 2019*.
- (2) This instrument may be cited as LIN 19/131.

2 Commencement

This instrument commences **on the day after registration** on the Federal Register of Legislation.

3 Authority

This instrument is made under paragraph 85(1)(b) of the Act.

4 Definitions

In this instrument:

Act means the *Migration Act 1958*.

Contributory Parent visas means the following specified classes of visa:

- (a) Contributory Parent (Migrant) (Class CA) visa;
- (b) Contributory Aged Parent (Residence) (Class DG) visa;
- (c) Contributory Parent (Temporary) (Class UT) visa; and
- (d) Contributory Aged Parent (Temporary) (Class UU) visa.

Other Family visas means the following specified classes of visas:

- (e) Other Family (Migrant) (Class BO) visa; and
- (f) Other Family (Residence) (Class BU) visas.

Parent visas means the following specified classes of visas:

- (g) Parent (Migrant) (Class AX) visa; and
- (h) Aged Parent (Residence) (Class BP) visa.

Regulations means the *Migration Regulation 1994*.

5 Schedules

The instrument that is specified in Schedule 1 is repealed as set out in the applicable items in the Schedule concerned.

Part 2 – Maximum Numbers for Specified Visas

6 Maximum number of visas – Contributory Parent Visas

- (1) The combined maximum number of **Contributory Parent** visas that may be granted in the financial year 1 July 2019 to 30 June 2020 is **6,096 visas**.
- (2) Amongst the determined maximum number of Contributory Parent visas specified in subsection (1), the maximum number of visas that may be granted to applicants of the Item 1130 – Contributory Parent (Migrant) (Class CA) visa who are seeking to satisfy either:
 - (a) the primary criteria set out in clause **143.214** of Schedule 2 to the Regulations; **or**
 - (b) the secondary criteria set out in clause **143.313** of Schedule 2 to the Regulationsis **125 visas**.

7 Maximum number of visas – Parent Visas

The combined maximum number of **Parent** visas that may be granted in the financial year 1 July 2019 to 30 June 2020 is **1,275 visas**.

8 Maximum number of visas – Other Family Visas

The combined maximum number of **other family** visas that may be granted in the financial year 1 July 2019 to 30 June 2020 is **562 visas**.

Schedule 1—Repeal

Migration (LIN 19/087: Granting of Contributory Parent Visas, Parent Visas and Other Family Visas in the 2018/2019 Financial Year) Instrument 2019 (F2019L00065)

1 The whole of the instrument

Repeal the instrument.

EXPLANATORY STATEMENT

Migration Act 1958

Migration (LIN 19/131: Granting of Contributory Parent visas, Parent visas and Other Family visas in the 2019/2020 financial year) Instrument 2019

(paragraph 85(1)(b))

1. The instrument LIN 19/131 is made under paragraph 85(1)(b) of the *Migration Act 1958* (the Act).
2. The instrument revokes *Migration (LIN 19/087: Granting of Contributory Parent Visas, Parent Visas and Other Family Visas in the 2018/2019 Financial Year) Instrument 2019* (F2019L00065) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*, which states that where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.
3. The instrument operates under section 85 of the Act to determine the maximum number of visas that may be granted in a specified financial year for the visas of a specified class or specified classes of visas.
4. The purpose of the instrument is to determine the maximum number of visas for the following specified classes of visas for the financial year commencing 1 July 2019 to 30 June 2020. Item numbers refer to items in Schedule 1 of the Regulations:

Contributory Parent classes of visas

- a. Item 1130 – Contributory Parent (Migrant) (Class CA) visa;
- b. Item 1130A – Contributory Aged Parent (Residence) (Class DG) visa;
- c. Item 1221 – Contributory Parent (Temporary) (Class UT) visa;
- d. Item 1221A – Contributory Aged Parent (Temporary) (Class UU) visa.

Parent classes of visas

- a. Item 1124 – Parent (Migrant) (Class AX) visa;
- b. Item 1124A – Aged Parent (Residence) (Class BP) visa.

Other Family classes of visas

- a. Item 1123A – Other Family (Migrant) (Class BO) visas;
- b. Item 1123B – Other Family (Residence) (Class BU) visas.

5. Extensive consultation was undertaken through the Budget and Migration Program planning process, which is undertaken each year by the Department of Home Affairs. The determined maximum numbers in the instrument are consistent with Migration Planning levels for 2019-2020.
6. The Office of Best Practice Regulation (OBPR) have advised that a Regulatory Impact Statement is not required (OBPR Reference: 25331).
7. Under section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*, the instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
8. The instrument commences on the day after registration on the Federal Register of Legislation.