



Commonwealth of Australia

Migration Act 1958

**GRANTING OF PARENT AND OTHER FAMILY VISAS IN THE 2016/2017
FINANCIAL YEAR DETERMINATION 2016/092**

(section 85)

I, *ALEX HAWKE*, Assistant Minister for Immigration and Border Protection, acting under section 85 of the *Migration Act 1958* (the Act):

1. REVOKE Instrument IMMI 16/055 (F2016L01398), Granting of Parent and Other Family Visas in 2016/2017 Financial Year 2016/055, signed on 2 September 2016; and
2. DETERMINE that the maximum number of parent visas (being visas falling within the [combined] classes specified in paragraph 2(a) and 2(b) below) that may be granted in the financial year 1 July 2016 to 30 June 2017 is **1550**. This figure includes grants to New Zealand citizens that are not otherwise included in the Migration Programme:
 - a) Item 1124 - Parent (Migrant) (Class AX) visas; and
 - b) Item 1124A - Aged Parent (Residence) (Class BP) visas.
3. DETERMINE that the maximum number of Other Family visas (being visas falling within the [combined] classes specified in paragraph 3(a) and (3)(b) below) that may be granted in the financial year 1 July 2016 to 30 June 2017 is **520**. This figure includes grants to New Zealand citizens that are not otherwise included in the Migration Programme:
 - a) Item 1123A - Other Family (Migrant) (Class BO) visas; and
 - b) Item 1123B - Other Family (Residence) (Class BU) visas.

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

Dated: 13 October 2016

Alex Hawke

THE HON ALEX HAWKE MP
Assistant Minister for Immigration and Border Protection

EXPLANATORY STATEMENT

Migration Act 1958

**GRANTING OF PARENT AND OTHER FAMILY VISAS IN THE 2016/2017
FINANCIAL YEAR DETERMINATION 2016/092**

(section 85)

1. Instrument IMMI 16/092 is made under section 85 of the *Migration Act 1958* (the Act).
2. The Instrument revokes IMMI 16/055 (F2016L01398) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*, which states 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 to determine a specified maximum number of visas that may be granted in the financial year 1 July 2016 to 30 June 2017 for the specified classes of visas in Schedule 1 to the Regulations.
4. The purpose of the Instrument is to determine the maximum combined number of visas for the classes of visas in Schedule 1 to the Migration Regulations 1994 specified below, that may be granted in the 2016-2017 financial year for:
 - a. Item 1124 - Parent (Migrant) (Class AX) and Item 1124A - Aged Parent (Residence) (Class BP) visas at 1550; and
 - b. Item 1123A - Other Family (Migrant) (Class BO) and Item 1123B - Other Family (Residence) (Class BU) visas at 520.
5. New Zealand citizens who are not otherwise included in the Migration Programme are also included in both of the specified maximum numbers of visas that may be granted as stated in paragraphs two and three of the instrument. The instrument also clarifies the number of visas in the classes of visas and the financial year in which the visas may be granted.

6. Extensive consultation is undertaken through the Budget and Migration Programme planning process which is undertaken each year by the Department of Immigration and Border Protection. The maximum numbers established by this Legislative Instrument are consistent with the Migration Planning levels for 2016-2017.
7. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 20835).
8. 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.
9. The Instrument commences on the day after registration on the Federal Register of Legislation.