



**Commonwealth of Australia**

*Migration Regulations 1994*

**TRANSIT PASSENGERS WHO ARE ELIGIBLE FOR A SPECIAL PURPOSE  
VISA  
(Paragraph 2.40(1)(n))**

I, *BRENDAN O'CONNOR*, Minister for Immigration and Citizenship, acting under paragraph 2.40(1)(n) of the *Migration Regulations 1994* ('the Regulations'):

1. REVOKE Instrument number IMMI 12/072, signed on 7 June 2012 specifying transit passengers for the purposes of paragraph 2.40(1)(n) of the Regulations;  
AND
2. SPECIFY each class of persons specified in clauses (a) to (d) of the schedule to this instrument as a class of persons for the purposes of paragraph 2.40(1)(n) of the Regulations.

This Instrument, IMMI 13/053, commences on **1 July 2013**.

Dated May 24 2013

Brendan O'Connor  
Minister for Immigration and Citizenship

## SCHEDULE

(a) Citizens of the following foreign countries:

Andorra	Japan	Republic of South Africa
Argentina	Kiribati	Republic of Marshall Islands
Austria	Latvia	Samoa
Belgium	Liechtenstein	San Marino
Brunei	Lithuania	Singapore
Canada	Luxembourg	Slovakia
Cyprus	Malaysia	Slovenia
Czech Republic	Malta	Solomon Islands
Denmark	Mexico	South Korea
Estonia	Monaco	Spain
Federated States of Micronesia	Nauru	Sweden
Fiji	Netherlands	Switzerland
Finland	New Zealand	Thailand
France	Norway	Tonga
Germany	Palau	Tuvalu
Greece	Oman	United Arab Emirates
Hungary	Papua New Guinea	United Kingdom (including its colonies)
Iceland	Philippines	United States of America
Indonesia	Poland	Vanuatu
Ireland	Portugal	Vatican
Italy	Qatar	

(b) Residents of Hong Kong holding Hong Kong Special Administrative Region (HKSAR) passports or British National Overseas (BNO) passports.

(c) Residents of Taiwan holding a passport issued by the authorities of Taiwan (other than passports purported to be official or diplomatic passports).

(d) Diplomatic passport holders, **excluding** holders of:

Arab Non-National Passports; and

**Diplomatic passports** from the following foreign countries:

Afghanistan	Iraq	Republic of Yemen
Algeria	Jordan	<b>Russian Federation</b>
Angola	Kuwait	Saudi Arabia
Bahrain	Lebanon	Sierra Leone
Bosnia and Herzegovina	Libya	Somalia
Comoros	Madagascar	Sudan
Democratic People's Republic of Korea	Mauritania	Syria
Egypt	Morocco	Tunisia
Iran	Pakistan	Zimbabwe

## **EXPLANATORY STATEMENT**

### *Migration Regulations 1994*

#### **TRANSIT PASSENGERS WHO ARE ELIGIBLE FOR A SPECIAL PURPOSE**

#### **VISA**

(Paragraph 2.40(1)(n))

1. This instrument is made under paragraph 2.40(1)(n) of the *Migration Regulations 1994* ('the Regulations').
2. Paragraph 2.40(1)(n) of the Regulations provides that transit passengers who belong to a class of persons specified by Gazette Notice are prescribed as having a Special Purpose Visa for the purposes of paragraph 33(2)(a) of the *Migration Act 1958*, ('the Act').
3. The purpose of the instrument is to revoke Instrument IMMI 12/072 signed on 7 June 2012. The Instrument specifies the list of countries whose citizens are transit passengers for the purposes of paragraph 2.40(1)(n), specifically to include citizens of Qatar in clause (a) of the Schedule to this Instrument and remove Qatar from clause (d) of the Schedule to this Instrument.
4. The instrument operates to specify the countries whose citizens are eligible to access Australia's transit without visa (TWOV) arrangements. Transit passengers from these countries are able to access the TWOV arrangements provided they are from an eligible country, hold a confirmed onward booking to leave Australia to travel to a third country on the same or another aircraft within 8 hours of their arrival in Australia, hold documentation necessary to enter the country of their destination, and remain in the transit lounge. Diplomatic passport holders from most countries are also eligible to access Australia's TWOV arrangements. However, the TWOV list also sets out those countries whose diplomatic passport holders are not able to access the TWOV arrangements under clause (d).
5. The instrument amends clause (a) of the Schedule to add Qatar to the list of countries eligible to transit Australia without a visa.

6. The instrument amends clause (d) of the Schedule to remove Qatar from the list of countries whose diplomatic passport holders are excluded from transiting Australia without a visa.
7. Consultation was undertaken, before the Instrument was made, with the Department of Foreign Affairs and Trade, the Australian Federal Police, the Australian Customs and Border Protection Service and the Australian Security Intelligence Organisation.
8. The Office of Best Practice Regulation has advised that a Regulatory Impact Statement is not required (OBPR Reference 14905).
9. Under section 44 of the *Legislative Instruments Act 2003* the Instrument is exempt from disallowance and therefore a Human Rights Statement of Compatibility is not required.
10. The Instrument, IMMI 13/053, commences on 1 July 2013.