



Commonwealth of Australia

Migration Act 1958

GRANTING OF PARENT AND OTHER FAMILY VISAS IN 2013/2014 FINANCIAL YEAR

(Section 85)

I, *BRENDAN O'CONNOR*, Minister for Immigration and Citizenship, acting under section 85 of the *Migration Act 1958* ('the Act'):

1. DETERMINE that the maximum number of:
 - (a) Parent (Migrant) (Class AX) visas; and
 - (b) Aged Parent (Residence) (Class BP) visas

that may be granted in the financial year 1 July 2013 to 30 June 2014 is **2295**.

2. DETERMINE that the maximum number of:
 - (a) Other Family (Migrant) (Class BO) visas; and
 - (b) Other Family (Residence) (Class BU) visas

that may be granted in the financial year 1 July 2013 to 30 June 2014 is **595**.

This instrument, IMMI 13/071, commences on **1 July 2013**.

Dated June 21, 2013

BRENDAN O'CONNOR

Minister for Immigration and Citizenship

EXPLANATORY STATEMENT

Migration Act 1958

GRANTING OF PARENT AND OTHER FAMILY VISAS IN 2013/2014 FINANCIAL YEAR

(Section 85)

1. Section 85 of the Act provides that the Minister may determine by instrument in writing the **maximum number of the visas** of a specified class or the visas of specified classes that may be granted in a specified financial year.
2. The purpose of this Legislative Instrument is to determine the maximum number of visas that may be granted in the financial year 1 July 2013 to 30 June 2014 for:
 - Parent (Migrant) (Class AX) and Aged Parent (Residence) (Class BP);
and
 - Other Family (Migrant)(Class BO) and Other Family (Residence) (Class BU).
3. Section 86 of the Act provides that if there is a determination of the maximum number of visas of a class or classes that may be granted in a financial year; and the number of visas of the class or classes granted in the year reaches that maximum number; no more visas of the class or classes may be granted in the year.
4. Section 87 and section 87A of the Act provide for the circumstances where the limit made under section 85 does not prevent the grant of a visa.
5. This Instrument applies to all applicants who have applied for a Parent or Other Family category visa. This includes applicants who have applied before the implementation of this cap.
6. The instrument operates to **cap** all relevant visa classes to include the anticipated number of visa grants. The caps include the number of visas

allocated within the Migration Program and the estimated number of visa grants to New Zealand citizens.

7. The purpose of the instrument is to:
 - set the cap for the Parent visa category at 2295; and,
 - set the cap for the Other Family visa category at 595.
8. 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.
9. The Office of Best Practice Regulation has been consulted and has advised that a Regulatory Impact Statement is not required (OBPR reference 15020).
10. Consultation about the size and composition of the Migration Program is undertaken each year by the Department of Immigration and Citizenship. The limits established by this legislative Instrument are consistent with the Migration Planning levels for 2013-14.
11. The Instrument, IMMI 13/071, commences on 1 July 2013.