



# Migration (United Nations Security Council Resolutions) Regulations 2007<sup>1</sup>

## Select Legislative Instrument 2007 No. 167

---

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Migration Act 1958*.

Dated 21 June 2007

P. M. JEFFERY  
Governor-General

By His Excellency's Command

KEVIN ANDREWS  
Minister for Immigration and Citizenship

---

**1 Name of Regulations**

These Regulations are the *Migration (United Nations Security Council Resolutions) Regulations 2007*.

**2 Commencement**

These Regulations commence on 1 July 2007.

**3 Repeal**

The following regulations are repealed:

- (a) *Migration (Sierra Leone – United Nations Security Council Resolution No. 1171) Regulations 1997*;
- (b) *Migration (Liberia – United Nations Security Council Resolutions) Regulations 2001*;
- (c) *Migration (Afghanistan – United Nations Security Council Resolution No. 1390) Regulations 2002*;
- (d) *Migration (Côte d’Ivoire – United Nations Security Council Resolutions) Regulations 2005*.

**4 Definitions**

In these Regulations:

*Act* means the *Migration Act 1958*.

*committee* means a committee established under a United Nations Security Council Resolution.

*resolution* means a United Nations Security Council Resolution specified by the Minister, by legislative instrument.

*UNSC-designated person* has the meaning given by regulation 5.

**5 Meaning of *UNSC-designated person***

A person is a *UNSC-designated person* if, under a resolution, Australia is required to prevent the person entering or transiting through Australian territory.

**6 Application**

These Regulations apply despite any provisions in other regulations made under the Act.

**7 Special criterion for grant of visas**

- (1) This regulation applies in relation to an application for a visa:
  - (a) made, but not finally determined (within the meaning of subsection 5 (9) of the Act), before 1 July 2007; or
  - (b) made on or after 1 July 2007.
- (2) It is a criterion applicable (at the time of decision) to an application for a visa of any class that the Minister is satisfied that:
  - (a) the applicant is not a UNSC-designated person; or
  - (b) a committee has determined that the applicant's travel to or transit through Australia is justified; or
  - (c) a committee has authorised the applicant's travel to or transit through Australia; or
  - (d) the grant of the visa to the applicant is justified by compelling circumstances.
- (3) Without limiting paragraph (2) (d), compelling circumstances may include the fulfilling of an international obligation owed by Australia.

**8 Prescribed ground for cancelling visas (Act s 116)**

- (1) This regulation applies to a visa of any class granted before, on or after 1 July 2007.
- (2) For paragraph 116 (1) (g) of the Act, the Minister may cancel a visa if the Minister is satisfied that the holder of the visa is a UNSC-designated person (whether or not the person was a UNSC-designated person at the time of the grant of the visa).

## Regulation 8

---

- (3) The Minister must not cancel a visa granted to a UNSC-designated person (whether or not the person was a UNSC-designated person at the time of the grant of the visa) if the Minister is satisfied that:
- (a) a committee has determined that the person's travel to or transit through Australia is justified; or
  - (b) a committee has authorised the person's travel to or transit through Australia; or
  - (c) a decision not to cancel the visa would be justified by compelling circumstances.
- (4) Without limiting paragraph (3) (c), compelling circumstances may include the fulfilling of an international obligation owed by Australia.

---

### Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.frli.gov.au](http://www.frli.gov.au).