

The Department of Immigration and Border Protection is committed to ensuring the integrity of the migration advice profession and to taking action against people whose actions undermine the standards expected of the industry.

The Department takes allegations against agents seriously and fully investigates complaints through its Office of Migration Agents Registration Authority (OMARA) before considering possible sanctions.

The substance and scope of some allegations means they require considerable time to fully investigate. Procedural fairness requirements may also affect the time it takes to make a finding following complaints.

OMARA does not have the power to suspend an agent while an investigation is ongoing and before specific findings have been made.

Last financial year OMARA sanctioned 18 registered migration agents for breaches of the Code of Conduct for registered migration agents. Four sanction decisions are currently subject to appeal to Administrative Appeals Tribunal (AAT). Sanctions for agents found to breach the Code of Conduct range from cautioning the agent through to cancelling the agent's registration or barring a former agent from returning to practice for up to five years. However, the majority of agents conduct themselves professionally and almost three-quarters of migration agents have never had even a minor complaint filed against them.

The Department also acts against unregistered migration advisers whose actions compromise the integrity of the migration advice industry. A person who is not registered as a migration agent but who has provided migration advice may be issued with an infringement or receive a civil penalty of up to \$10,800. A person who is not registered and who advertises that they can provide immigration assistance faces up to two years' imprisonment.

Where a complaint falls outside the jurisdiction of OMARA, complainants are advised to raise these matters directly with the police or other relevant bodies such as state and territory fair trading authorities.

With regard to options for safeguarding funds, a previous review into the migration advice profession found that a fidelity fund would not be justified due to the high cost of implementation relative to the size of the profession. It should be noted that about one-third of registered migration agents are lawyers who have their own trust account arrangements in place.

The Department is progressing recommendations from the Independent Review of OMARA to further strengthen regulation of the migration advice profession. OMARA is reviewing the Code of Conduct for migration agents in consultation with agents and other interested parties to ensure that agents fully understand their legal obligations and consumers are protected from inappropriate and illegal behaviour by agents. Further, the Department is working on options to enable serious allegations to be referred to the AAT.

The Department has also held discussions with universities about phasing out the graduate certificate as the prescribed course for becoming a registered migration agent. A request for tender is being developed for Australian universities to apply to deliver the more comprehensive Graduate Diploma as the prescribed entry level course.

Visa and migration fraud remains a high priority for investigation by the Department. DIBP maintains close cooperative relationships with law enforcement agencies with specialist investigative powers and capabilities to support this task.

In particular, the Department's activities are focussed on defeating visa fraud at the systemic level, including investigating and prosecuting networks involved in criminally exploiting Australia's visa regime.

People seeking the services of a migration agent are advised to check they are registered by searching the [Register of Migration Agents](#).

Information relating to misconduct of migration agents should be reported to OMARA.

Regards

Bronwyn

Media Operations

Communication and Executive Coordination Branch | Executive Division

Department of Immigration and Border Protection

24-hour media line: 02 6264 2244

E: media@border.gov.au