



Australian Government

**Department of Immigration
and Border Protection**

Migration Agent Activity Report

Half-yearly report on the provision of immigration
assistance in Australia

1 January to 30 June 2017

Prepared by the Office of the Migration Agents
Registration Authority

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1. Executive summary

1.1 About this report

This report presents summary information and an analysis of the migration advice industry in Australia. The tables contain data primarily from the Department via the Integrated Client Service Environment (ICSE) and OMARA. Data entered into other Departmental systems, such as those used offshore, are not reflected in this report. Discrepancies may occur between sums of the component items and totals where figures have been rounded. Statistics provided by other areas of the Department were correct at the time of generation and may vary slightly from those contained in other reports.

While the data contained in this report has been formulated with all due care, the OMARA does not warrant or represent that the data is free from errors or omission, or that it is exhaustive. It is also possible that some statistics are no longer available in previous formats or available at all.

*PLEASE NOTE:

From 1 July 2016 this report has been produced and published biannually.

1.2 Key statistics highlighted in this report

- The total number of registered migration agents has increased from 6684 at 31 December 2016 to 7006 at 30 June 2017.
- During the 1 January to 30 June 2017 period, registered migration agents lodged 76 per cent of the total 457 Temporary Work (Skilled) visa applications, 86 per cent of Employer Sponsored visa applications, 54 per cent of Business Skills visa applications and 19 per cent of Permanent Protection visa applications.

This report was compiled by OMARA Programme Management.

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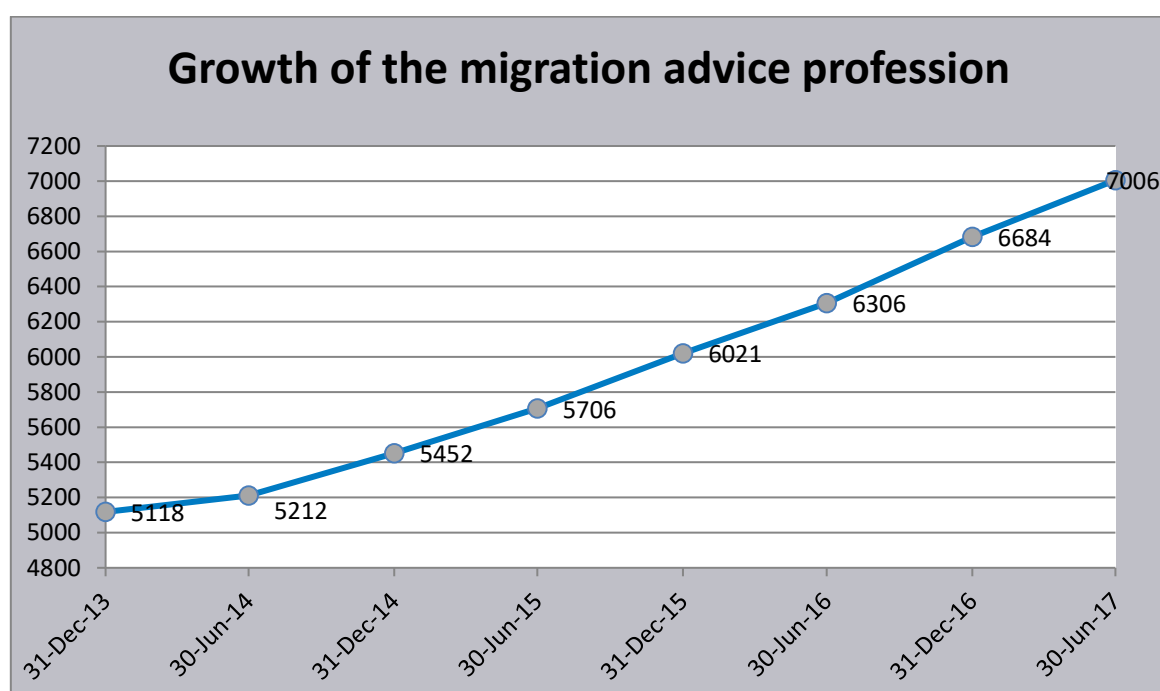
2. Information about migration agents

2.1 Overview of the profession

The table below shows the number of agents registered with the OMARA at 30 June 2017. It also shows the proportion of registered migration agents working in the non-commercial sector, those who have legal practising certificates and those registered under the Trans-Tasman Mutual Recognition Act (TTMRA):

Number of registered migration agents	At 30 June 2017	%
Total number of registered migration agents	7006	
Agents operating on a commercial basis	6433	91.8%
Agents operating on a non-commercial basis	573	8.2%
Agents with legal practising certificates	2292	32.7%
Agents registered under the TTMRA	41	0.6%

This graph shows the growth in the migration advice profession over the last three years.



The table below shows the geographic distribution of registered migration agents at 30 June 2017.

Geographic distribution of registered migration agents	At 30 June 2017	%
New South Wales	2612	37.3%
Victoria	2114	30.2%
Queensland	910	13.0%
Western Australia	647	9.2%
South Australia	308	4.4%
Northern Territory	27	0.4%
Australian Capital Territory	111	1.6%
Tasmania	35	0.5%
Overseas	242	3.4%
Total	7006	100%

The table below provides a profile of registered migration agents at 30 June 2017.

General statistics	At 30 June 2017	Totals
Average age of agents (years)	44	
Percentage of female agents	47.9%	3354
Percentage of male agents	52.1%	3652
Percentage operating as sole traders (primary business)	39.3%	2754
Percentage who have never had a complaint	74.9%	5247

2.2 Registration withdrawals and refusals

Agents must renew their registration on a yearly basis if they wish to continue giving immigration assistance. Of significance are the reasons for registration withdrawal and refusal, for both initial and repeat registration applications. The table below shows the reasons for registration application withdrawal and refusal decisions from January to June 2017.

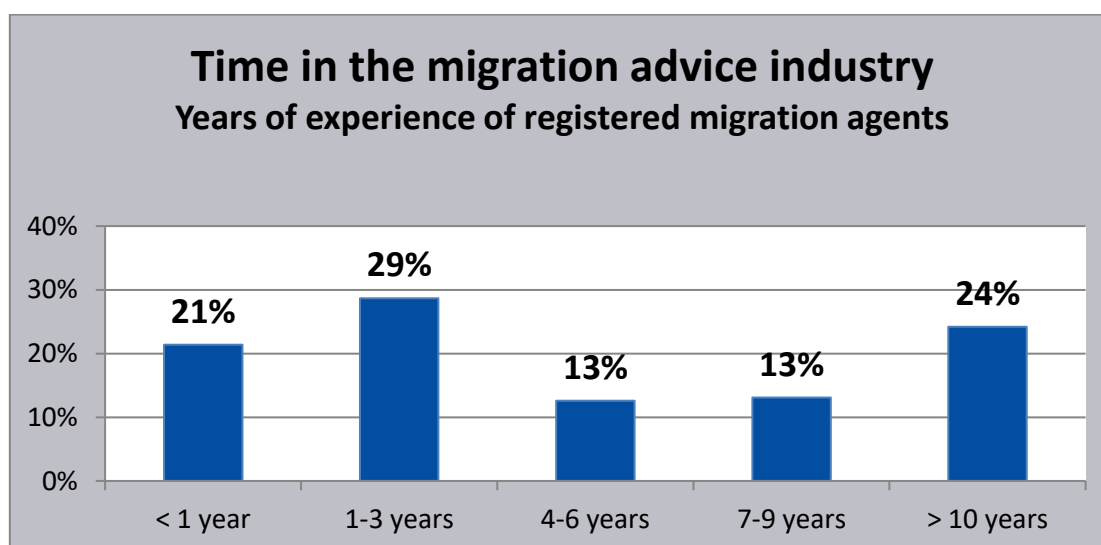
Registration requirement 1 January – 30 June 2017	Withdrawals		Refusals	
	New	Repeat	New	Repeat
English language	8	0	0	0
Non-commercial registration requirements	3	3	0	0
Fit and proper person	0	4	0	6
Professional indemnity insurance	1	0	0	0
Qualifications / Continuing Professional Development	0	3	1	0
Other (on request, not related to potential refusal)	0	0	0	0
Total	12	10	1	6

2.3 Number of agents removed from the register

The figures below show the total number of agents removed from the register from January to June 2017, either by request or lapse in registration. Please note some of these agents will have since reapplied for registration.

1 January to 30 June 2017	By request	Lapsed	Total
Removed from the register	7	298	305

2.4 Experience of registered migration agents

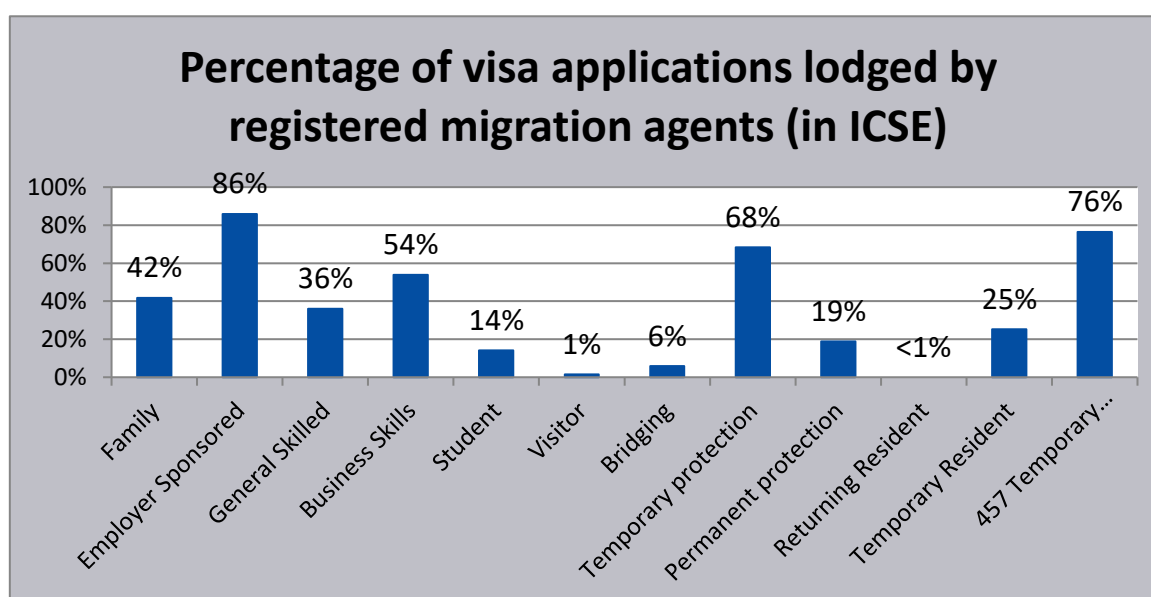


This graph shows that at 30 June 2017, approximately 1499 (21%) migration agents were continuously registered for less than one year and 2010 (29%) had been registered between one and three years. There were approximately 1696 (24%) agents registered for more than 10 years.

2.5 Visa applications lodged by registered migration agents

The table and graph below show the proportion of visa applications lodged by registered migration agents between January and June 2017. The source of this data is the Integrated Client Service Environment (ICSE); it does not include data from the Immigration Records Information System (IRIS).

Visa Class	Migration agent used	Total applications	Percentage lodged by a migration agent
Family	19,046	45,682	42%
Employer Sponsored	35,793	41,657	86%
General Skilled	15,499	43,039	36%
Business Skills	5,611	10,421	54%
Student	30,306	214,405	14%
Visitor	12,813	899,103	1%
Bridging	1,839	31,061	6%
Temporary protection	5,908	8,640	68%
Permanent protection	1,749	9,272	19%
Returning Resident	245	80,912	<1%
Temporary Resident	18,978	75,468	25%
457 Temporary Work (Skilled)	40,212	52,607	76%
TOTAL (in ICSE)	187,999	1,512,267	12%



3. Complaint processing by the OMARA

A key objective for the OMARA in effectively regulating registered migration agents is to ensure they comply with the Migration Agents Code of Conduct (the Code). The Code aims to establish a minimum level of professional standards for agents and includes the obligations of a registered migration agent toward clients, employees and other agents; record keeping and management; and financial duties.

3.1 Complaint outcomes

The table below lists the outcomes of complaints about breaches of the Code finalised by the OMARA from 1 January to 30 June 2017. The table includes the number of matters that did not proceed to sanction and were subsequently resolved through informal negotiation, issuing of a corrective action recommendation or a warning letter to the agent.

Complaint outcomes		Complaints finalised
1	Breach found: resolved and finalised without sanction, corrective instruction provided for action by agent	36
2	No breach found: may include corrective instruction	69
3	Dismissed	163
4	Referred	5
5	Resulted in sanction decision	18
Total		291

- 1. Breach found: resolved and finalised without sanction, corrective instruction provided for action by agent.** Where an agent has been found to have breached the Code but those breaches are considered insufficient to warrant a sanction, the complaint may be resolved by negotiation or issuing of a corrective action recommendation or a warning letter to the agent.
- 2. No breach found (may include corrective instruction provided to the agent for action):** Issues, where the evidence is considered insufficient to warrant a breach finding, may be resolved by a corrective action recommendation to the agent. Complaints are “Closed with no breach found” if the agent is found not to have breached the Code after investigation of a complaint.
- 3. Dismissed:** Complaints are dismissed where the OMARA has no jurisdiction (e.g. complaints about unregistered individuals); there is insufficient evidence to pursue; the complaint is withdrawn; or if the complainant will not provide consent for the complaint to be published to the agent.
- 4. Referred:** If the complaint pertains to the practice of law (rather than immigration assistance) and is referred to the relevant body for disciplining agents who are lawyers.
- 5. Resulted in sanction decision:** Sanction decisions occur where serious breaches of the Code have been found. The types of sanction decision are: caution; suspension; cancellation of registration; and barring former registered migration agents from applying for registration.

4. Sanction decisions made by the OMARA

4.1 Sanction decisions

The table below shows the number of complaints that have resulted in sanction decisions.

	Jul-Dec 2016	Jan-Jun 2017	Total
Caution	0	0	0
Suspension	2	7	9
Cancellation	16	11	27
Barring	4	0	4
Total	**22	18	40

***Note:** a sanction decision may result from multiple complaints about a single agent.

**** Note:** there was a discrepancy in the numbers of the previous report.

The table below shows the number of agents who were sanctioned as a result of those complaints.

	Jul-Dec 2016	Jan-Jun 2017	Total
Caution	0	0	0
Suspension	2	5	7
Cancellation	5	3	8
Barring	1	0	1
Total	8	8	16

4.2 Sanction outcomes

Suspensions:

- An agent had their registration suspended for six months, and made subject to certain conditions, due to a refusal to comply with a statutory notice seeking the agent's response to a complaint.
- An agent had their registration suspended for 12 months, and made subject to certain conditions, as they failed to provide accurate advice to their client, failed to enter into an agreement for fees and services and failed to keep proper records. The Authority also found that the agent was not a person of integrity and not a fit and proper person to give immigration assistance. The agent has appealed the decision.

- An agent had their registration suspended for 12 months, and made subject to certain conditions, after being disciplined by the West Australian State Administrative Tribunal regarding conduct as a real estate agent. The agent failed to declare the investigation to the Authority and provided misleading information to the Authority. The agent appealed the decision but subsequently withdrew the application for review.
- An agent had their registration suspended for 24 months, and made subject to certain conditions, as they were a party to fraud which resulted in the provision of false and misleading documents to the Department in connection with a number of applications. The agent also did not recognise who his clients were for the purpose of providing immigration assistance in the lodgement of sponsorship, nomination and visa applications.
- An agent had their registration suspended for 24 months, and made subject to certain conditions, for failing to inform clients that their documents had not been submitted to the Department and then failing to inform clients of the reasons for refusal of their applications. The agent was also found to have misled the Department and Tribunal regarding outstanding documents required for applications. The agent had received three prior warnings in relation to complaints about her conduct. The Authority also found that the agent was not a person of integrity and not a fit and proper person to give immigration assistance. In mitigation, the Authority took into account that the Agent had been registered since 2003 and had a history of active contributions to community organisations involving policy advice and advising on migration law in complex cases. The agent has appealed the decision.

Cancellations:

- An agent had their registration cancelled for a period of five years due to the agent's failure to act in the legitimate interests of clients and failure to pay due regard to the clients' dependence upon her. The agent lacked a sound knowledge of migration legislation and was not frank or candid with her clients regarding their prospects of success. Further, the agent did not act in accordance with her clients' instructions nor keep her clients informed of the progress of their applications. The agent also made misleading and inaccurate statements in support of applications made to the Department. The Authority found the agent not to be a person of integrity nor a fit and proper person to give immigration assistance. The agent has not appealed the decision.
- An agent had their registration cancelled for a period of five years as she failed to declare she was associated by employment to a person who was not a person of integrity. The agent enabled this person and her staff to provide immigration assistance even though not registered migration agents. The agent lodged protection visa applications for clients with false or plagiarised claims. The agent was found not to be a person of integrity and not a fit and proper person to give immigration assistance. The agent has not appealed the decision.
- An agent had their registration cancelled for a period of five years for numerous reasons including failure to inform the client of a departmental request for information which resulted in the refusal of the application; causing the client to become unlawful by failing to inform the client of a refusal decision; failing to enter into an agreement for fees and services; failure to obtain client instructions before lodging a court appeal and failing to inform the client of the outcome of the court appeal. The agent has not appealed the decision.