



Australian Government

Department of Home Affairs

Migration Agent Activity Report 1 July to 31 December 2017

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

Prepared by the Office of the Migration Agents Registration Authority

Table of Contents

1. Executive summary	3
1.1 About this report	3
1.2 Key statistics highlighted in this report	3
2. Information about registered migration agents	4
2.1 Overview of the profession	4
2.2 Registration withdrawals and refusals	6
2.3 Number of agents removed from the register	6
2.4 Experience of registered migration agents	7
2.5 Visa applications lodged by registered migration agents	7
3. Complaint processing by the OMARA	8
3.1 Complaint outcomes	8
4. Sanction decisions made by the OMARA	9
4.1 Sanction decisions	9
4.2 Sanction outcomes	9

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 7006 at 30 June 2017 to 7272 at 31 December 2017.
- During the 1 July to 31 December 2017 period, registered migration agents lodged 74 per cent of the total 457 Temporary Work (Skilled) visa applications, 84 per cent of Employer Sponsored visa applications, 65 per cent of Business Skills visa applications and 16 per cent of Permanent Protection visa applications.

This report was compiled by OMARA Program Management.

Email: maracomms@border.gov.au

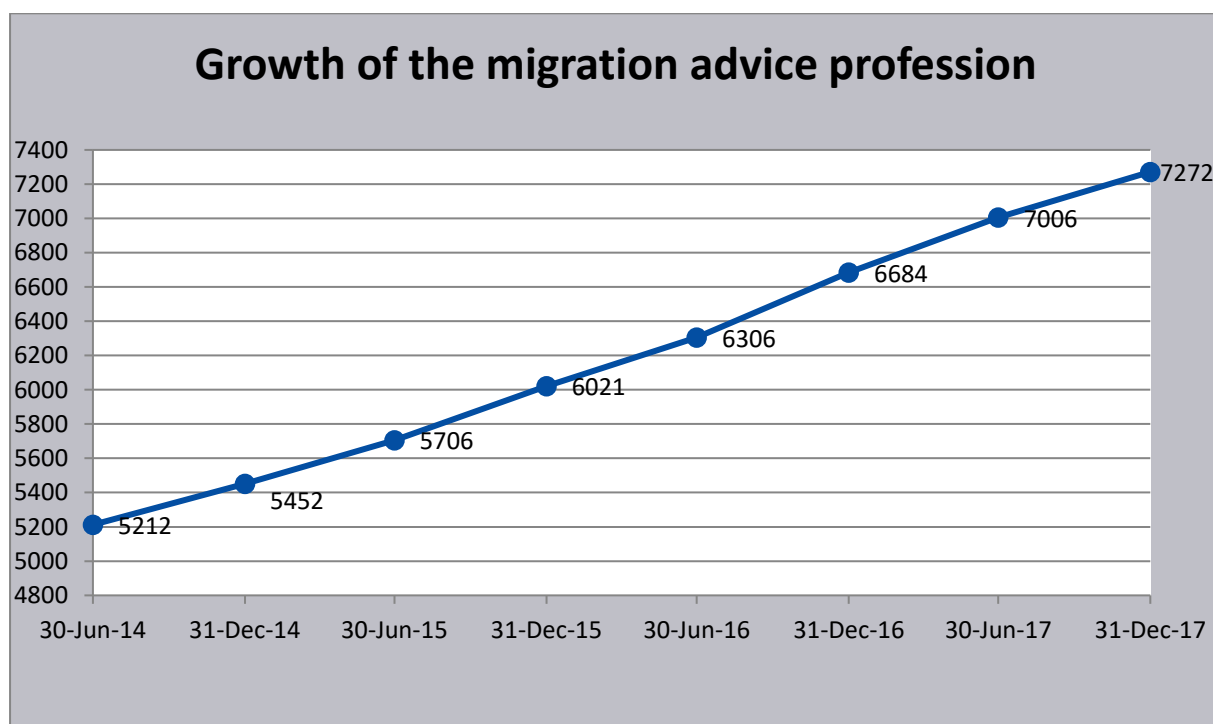
2. Information about registered migration agents

2.1 Overview of the profession

The table below shows the number of agents registered with the OMARA at 31 December 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 31 December 2017	%
Total number of registered migration agents	7272	
Agents operating on a commercial basis	6699	92.1%
Agents operating on a non-commercial basis	573	7.9%
Agents with legal practising certificates	2424	33.3%
Agents registered under the TTMRA	40	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 31 December 2017.

Geographic distribution of registered migration agents	At 31 December 2017	%
New South Wales	2697	37.1%
Victoria	2193	30.2%
Queensland	980	13.5%
Western Australia	668	9.2%
South Australia	322	4.4%
Northern Territory	31	0.4%
Australian Capital Territory	108	1.5%
Tasmania	35	0.5%
Overseas	238	3.3%
Total	7272	100%

The table below provides a profile of registered migration agents at 31 December 2017.

General statistics	At 31 December 2017	Totals
Average age of agents (years)	43	
Percentage of female agents	48%	3497
Percentage of male agents	52%	3775
Percentage operating as sole traders (primary business)	42%	3027
Percentage who have never had a complaint	75%	5476

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 1 July to 31 December 2017.

Registration requirement 1 July – 31 December 2017	Withdrawals		Refusals	
	Initial	Repeat	Initial	Repeat
English language	8	0	0	0
Non-commercial registration requirements	2	0	0	0
Fit and proper person	0	0	1	0
Agent already sanctioned	0	1	0	0
Open complaints	0	1	0	0
Other (on request, not related to potential refusal)	0	1	0	0
Total	10	3	1	0
	13		1	

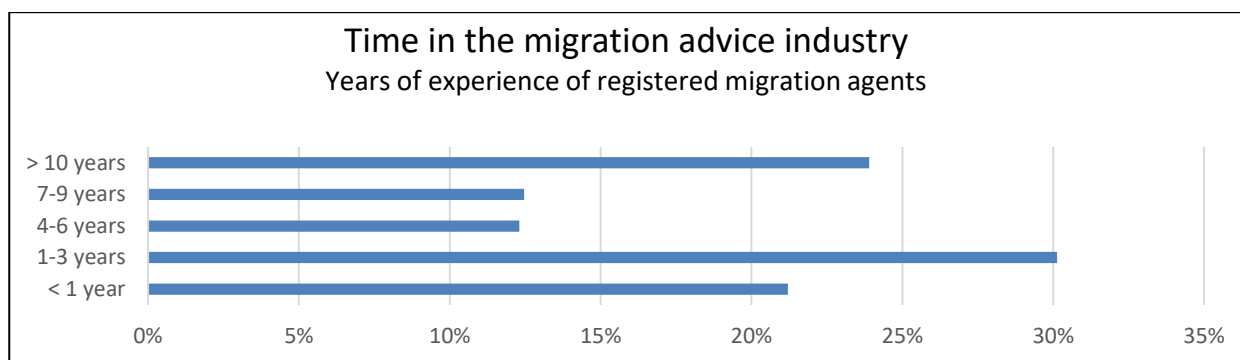
2.3 Number of agents removed from the register

The figures below show the total number of agents removed from the register from 1 July to 31 December 2017, either by request or lapse in registration. Some agents will have since reapplied for registration.

1 July to 31 December 2017	By request	Lapsed	Total
Removed from the register	21	373	394

2.4 Experience of registered migration agents

This graph shows that at 31 December 2017, approximately 1542 (21%) migration agents were continuously registered for less than one year and 2191 (30%) had been registered between one and three years. There were approximately 1738 (24%) agents registered for more than 10 years.



2.5 Visa applications lodged by registered migration agents

This table shows the proportion of visa applications lodged by registered migration agents between 1 July and 31 December 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	% lodged by a migration agent
Family	14,539	34,434	42%
Employer sponsored	18,287	21,789	84%
General skilled	14,118	42,949	33%
Business skills	5,821	9,014	65%
Student	30,109	194,091	16%
Visitor	20,380	1,347,579	2%
Bridging	1,798	15,722	11%
Temporary protection	1,919	3,825	50%
Permanent protection	2,150	13,280	16%
Returning resident	409	79,802	<1%
Temporary resident	32,851	95,689	34%
457 temporary work (skilled)	25,252	34,214	74%
TOTAL (in ICSE)	167,633	1,892,388	9%

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 Code of Conduct for RMAs (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 July to 31 December 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	52
2 No breach found: may include corrective instruction	38
3 Dismissed	292
4 Referred	0
5 Resulted in sanction decision	16
Total	398

- 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.

	Jan-Jun 2017	Jul-Dec 2017	Total
Caution	0	1	1
Suspension	7	5	12
Cancellation	9**	8	17
Barring	0	2	2
Total	16**	16	32

*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.

	Jan-Jun 2017	Jul-Dec 2017	Total
Caution	0	1	1
Suspension	5	4	9
Cancellation	3	3	6
Barring	0	2	2
Total	8	10	18*

*Note: 17 agents were sanctioned between 1 January and 31 December 2017 – one agent was sanctioned twice during this period.

4.2 Sanction outcomes

Cautions:

- An agent was cautioned for a period of six months, and made subject to certain conditions, as they were found to be responsible for the creation of two documents containing false information, which they submitted to the Department in support of an application. The agent was also found to have provided his client with incorrect advice regarding sponsorship training criteria, and to have acted unethically and dishonestly in the provision of advice to the client. The agent has not appealed the decision.

Suspensions:

- An agent had their registration suspended for three months, and made subject to certain conditions, for failing to declare immigration assistance and/or representation, and knowingly engaging in the provision of assistance for which they were not qualified. The agent failed to maintain proper and accurate records or demonstrate sound financial management practices in relation to the handling of client monies. The Authority was also satisfied that the agent had failed to fulfil the expectations of a

registered migration agent with regard to integrity, fitness and propriety. The agent has not appealed the decision.

- An agent had their registration suspended for six months, and made subject to certain conditions, as they demonstrated a lack of knowledge and understanding of migration law and procedures, and of their obligations as a migration agent, which contributed to adverse outcomes for their clients. The agent demonstrated a lack of accountability for their actions by directing blame to other parties including clients, the Department and the Authority, and had failed to respond properly to the Authority in respect of the complaints. The Authority was satisfied that the agent was not a person of integrity and not a fit and proper person to give immigration assistance. The agent has appealed this decision.
- An agent had their registration suspended for 12 months, and made subject to certain conditions, for failing to provide former clients with accurate and timely advice about their eligibility to meet visa criteria. The agent was also found to have not properly supervised their employees, allowed unregistered persons to give immigration advice, and avoided responsibility for the advice provided to his former clients. The Authority found that the agent had engaged in dishonest and misleading advertising, and had attempted to mislead the Authority in responding to the complaint. The agent has not appealed the decision.
- An agent had their registration suspended for 18 months, and made subject to certain conditions, for authorising overseas associates, who were not registered migration agents, to declare the agent's name, registration number and contact details in visa applications lodged for their own clients, in return for financial benefit. The Authority 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 this decision.

Cancellations:

- An agent had their registration cancelled for a period of five years for lodging a substantial number of Protection visa applications for clients with templated and duplicated claims for protection. The agent was also found to have witnessed a large number of statutory declarations that he knew to be false or misleading, and to have lied to the Authority in an attempt to hide his actions. Consequently, the Authority found the agent was not to be 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 cancelled for a period of five years following pleading guilty to a number of serious offences pursuant to the *Crimes (Currency) Act 1981* (Cth) and *Drug Misuse Trafficking Act 1985* (NSW). The Authority was satisfied that the agent was not a person of integrity, or otherwise not a fit and proper person to give immigration assistance. The agent has not appealed this decision.
- An agent had their registration cancelled for a period of five years for engaging in, and being party to, fraudulent conduct resulting in the provision of false and misleading statements and documentation to the Department in relation to a number of applications. In doing so, the agent also lodged visa applications without the consent or authority of the respective sponsors. The Authority was satisfied that the agent was not a person of integrity, or otherwise not a fit and proper person to give immigration assistance. The agent has appealed this decision.

Barring:

- A former agent was barred from being registered for a period of five years for engaging in conduct that resulted in adverse visa outcomes and financial loss for multiple clients, in particular by failing to demonstrate a sound working knowledge and understanding of migration law and procedure, and of their obligations as a migration agent. The former agent was also found to have repeatedly failed to cooperate with the Authority's investigation and in doing so, demonstrated contempt for the Authority's consumer protection function and an indifference to, and disregard for, Australian law. The former agent has not appealed the decision.

- A former agent was barred from being registered for a period of five years for numerous reasons including demonstrating a lack of working knowledge of migration legislation and procedure, and a blatant disregard for her obligations as a migration agent to her clients. The former agent was found to have engaged in unprofessional conduct that has resulted in adverse or no visa outcomes and financial loss for her clients. The former agent also failed to cooperate with the Authority's investigation, and in doing so attempted to avoid responsibility for her conduct and hinder the Authority's investigation, demonstrating contempt for the Authority's consumer protection function and indifference to Australian law. The former agent has not appealed the decision.