



Duties of registered migration agents to employees

The Code of Conduct for registered migration agents (the Code) requires a registered migration agent (RMA) to exercise effective control of his or her office for the purpose of giving immigration advice and assistance, and to properly supervise the work carried out by staff for the agent.

These Code obligations apply to all RMAs regardless of whether their office premises are operated onshore or offshore, as well as in relation to staff employed in onshore and offshore businesses. The duty to exercise effective control of the office also relates to employees who are RMAs.

An RMA also has specific duties to ensure that all immigration assistance, as defined in Section 276 of *the Migration Act 1958* (the Act), is provided only by an RMA (unless the assistance is permitted under section 280 of the Act). In addition, an RMA must ensure that all employees are familiar with the requirements of the Code and act consistently with the requirements under the Code. This requirement extends to all staff whether RMAs or not.

Exercising effective control

The duty to exercise effective control of an office may include, but is not limited to, the following:

- All client contact is recorded on the client file.
- Records are kept in a secure and confidential manner for the periods set out in the Code.
- Effective control of client accounts is maintained, to ensure that unauthorised staff do not have access to client monies held in the clients' account.
- Receipts are issued to all clients for all payments made.
- An agent's Migration Agents Registration Number (MARN) is not improperly used by employees to lodge visa applications through ImmiAccount.

Supervisory arrangements

Suitable supervisory arrangements which registered migration agents should have in place may include:

- Ensuring that staff clearly explain their role to clients during any client consultations which take place (e.g. making clear if they are not a registered migration agent and are not providing immigration assistance).
- Performing final checks of visa applications before they are lodged with the Department of Home Affairs.
- Maintaining records of any internal discussions that take place with staff regarding a client's visa application.
- Conducting regular training of unregistered employees about the requirements set out in the Code.