



Australian Government
Department of Home Affairs

Unclassified

Migration Agent Activity Report

1 Jan - 30 Jun 2019

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

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 decreased from 7317 at 31 December 2018 to 7252 at 30 June 2019.
- During the 1 January to 30 June 2019 period, registered migration agents lodged 79 per cent of Temporary Skill Shortage visa applications, 86 per cent of Employer Sponsored visa applications, 66 per cent of Business Skills visa applications and 15 per cent of Permanent Protection visa applications.

This report was compiled by OMARA Program Management.

Email: maracomms@homeaffairs.gov.au

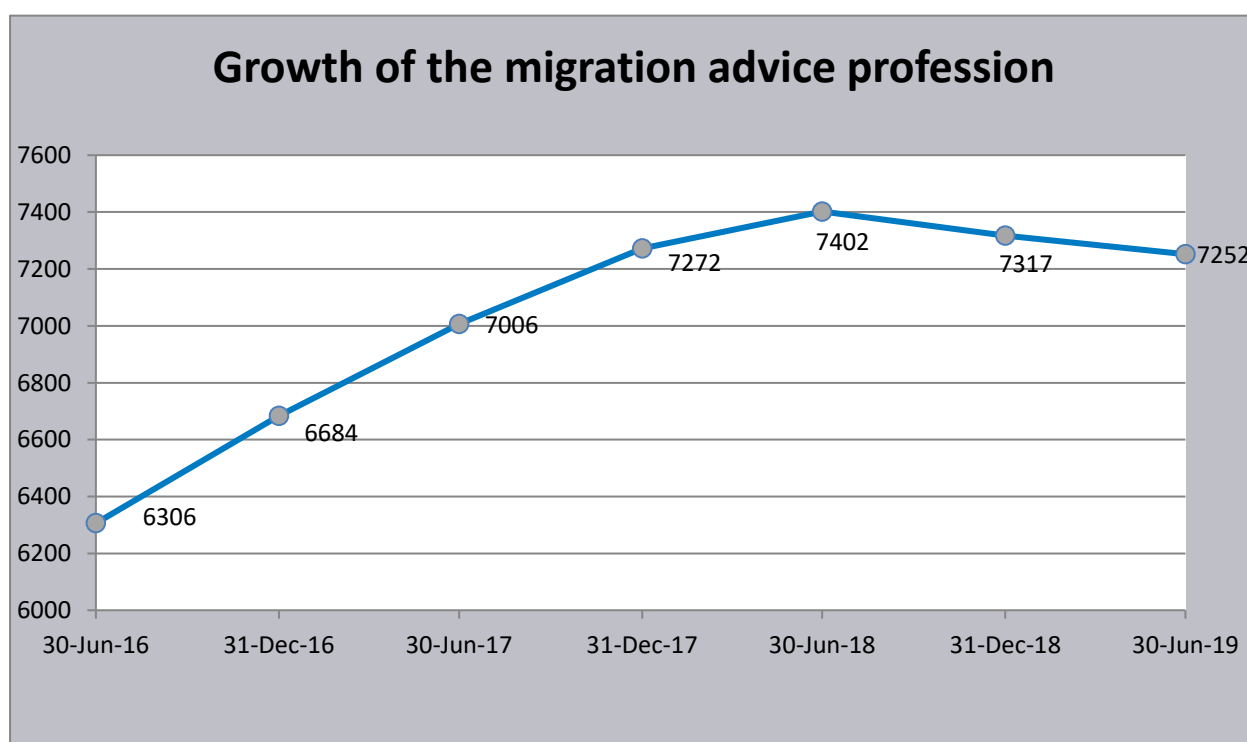
2. Information about registered migration agents

2.1 Overview of the profession

The table below shows the number of migration agents registered with the OMARA at 30 June 2019. It also shows the proportion of registered migration agents (RMAs) 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 2019	
Total number of registered migration agents	7252	
Agents operating on a commercial basis	6844	94.4%
Agents operating on a non-commercial basis	408	5.6%
Agents with legal practising certificates	2192	30.2%
Agents registered under the TTMRA	42	0.6%

This graph shows the growth in the migration advice profession over the last three years. A decline over the January to June 2019 period is likely due to the higher technical proficiency requirements to register as a new RMA, introduced at the beginning of 2018. In addition, practising certificate (PC) holders may be anticipating the removal of PC holders from the regulatory scheme with fewer PC holders renewing their registration. The relevant legislation was not passed before Parliament was prorogued in April 2018 and has not yet been reintroduced to Parliament. In the meantime, RMAs who are also the holder of a PC are required to maintain their registration if they wish to continue to provide immigration assistance.



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The table below shows the geographic distribution of registered migration agents at 30 June 2019.

Geographic distribution of registered migration agents	At 30 June 2019	
New South Wales	2696	37.2%
Victoria	2226	30.7%
Queensland	966	13.3%
Western Australia	623	8.6%
South Australia	326	4.5%
Northern Territory	32	0.4%
Australian Capital Territory	111	1.5%
Tasmania	35	0.5%
Overseas	237	3.3%
Total	7252	100%

The table below provides a profile of registered migration agents at 30 June 2019.

General statistics	At 30 June 2019	
Average age of RMAs (years)	44.8	
Female RMAs	3486	48%
Male RMAs	3766	52%
RMAs operating as sole traders (primary business)	2878	40%
RMAs who have never had a complaint*	5309	73%

* Note: Although 27% of currently registered agents have received a complaint at some time whilst being registered, a large number of complaints are dismissed due to insufficient evidence, withdrawal of the complaint or the complainant not providing consent for the complaint to be published to the agent. [Section 3.1](#) of this report provides a breakdown on the complaint outcomes for this period.

2.2 Registration withdrawals and refusals

RMA's 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 January to 30 June 2019.

Registration requirement 1 January – 30 June 2019	Withdrawals		Refusals	
	Initial	Repeat	Initial	Repeat
Continuing Professional Development	0	2	0	0
English language	14	0	2	0
Fit and proper person	2	0	1	0
Left employer	0	2	0	0
Permanent resident / Australian citizen	1	0	0	0
Qualifications	1	0	0	0
Total	18	4	3	0
	22		3	

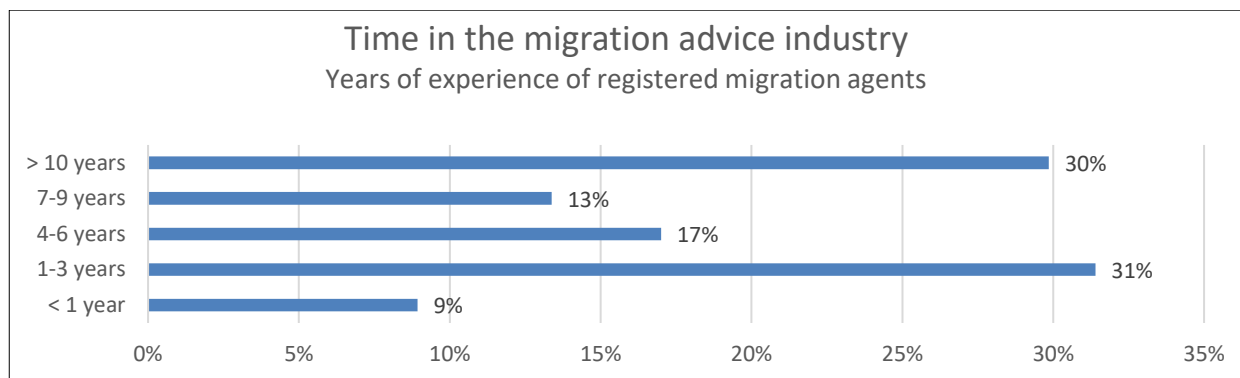
2.3 Number of RMA's removed from the register

The figures below show the total number of RMA's removed from the register from 1 January to 30 June 2019, either at their request or lapse of their registration. Please note that some will have since reapplied for registration.

1 January to 30 June 2019	By request	Lapsed	Total
Removed from the register	14	419	433

2.4 Experience of registered migration agents

This graph shows that at 30 June 2019, of the 7252 RMAs, 9% were registered for less than one year, 31% had been registered between one and three years and 30% had been 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 RMAs between 1 January and 30 June 2019. 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	RMA used	Total applications	% lodged by an RMA
Family	21,082	43,832	48%
Employer sponsored	15,879	18,463	86%
General skilled	14,787	32,506	45%
Business skills	6,380	9,693	66%
Student	51,623	257,604	20%
Visitor	26,889	1,439,141	2%
Bridging	3,583	16,612	22%
Temporary protection	108	281	38%
Permanent protection	1,776	11,911	15%
Returning resident	4,954	85,959	6%
Temporary resident	30,089	101,595	30%
Temporary Skill Shortage	28,850	36,463	79%
TOTAL (in ICSE)	206,000	2,054,060	10%

3. Complaint processing by the OMARA

A key objective for the OMARA in effectively regulating RMAs is to ensure they comply with the Code. The Code aims to establish a minimum level of professional standards for RMAs and includes the obligations of an RMA toward clients, employees and other RMAs; 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 2019. 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.

Complaint outcomes		Complaints finalised	
1	Resulted in sanction decision	44	12%
2	Breach found: resolved and finalised without sanction, corrective instruction provided for action	43	12%
3	No breach found: may include corrective instruction	46	13%
4	Dismissed	225	63%
Total		358	100%

- 1. Resulted in sanction decision:** Sanction decisions occur where serious breaches of the Code have been found. The types of sanction decision are: barring former registered migration agents from applying for registration; cancellation or suspension of registration; and cautioning an RMA. See [section 4.1](#).
- 2. Breach found: resolved and finalised without sanction, corrective instruction provided for action:** Where an RMA 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.
- 3. No breach found (may include corrective instruction provided for action):** Issues, where the evidence is considered insufficient to warrant a breach finding, may be resolved by a recommendation of corrective action. Complaints are "Closed with no breach found" if after investigation it is found there has been no breach of the Code.
- 4. 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 subject of the complaint.

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 2018		Jan-Jun 2019		2018-19 total	
Barring	7	10%	20	45%	27	24%
Cancellation	53	77%	12	27%	65	57%
Suspension	9	13%	11	25%	20	18%
Caution	0	0%	1	2%	1	1%
Total	69	100%	44	100%	113	100%

***Note:** a sanction decision may result from multiple complaints about an RMA or former RMA.

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

	Jul-Dec 2018		Jan-Jun 2019		2018-19 total	
Barring	3	15%	2	22%	5	17%
Cancellation	10	50%	2	22%	12	41%
Suspension	7	35%	4	45%	11	38%
Caution	0	0%	1	11%	1	4%
Total	20	100%	9	100%	29	100%

4.2 Sanction outcomes

Barring (2):

A former agent was barred from registration for a period of five years as the Authority was satisfied that the former agent, whilst registered, submitted false, misleading and inaccurate information to the Department in support of visa applications. The former agent had submitted, or was complicit in the submission of a fraudulent form to a skills assessment body. The former agent lodged visa and skills assessment applications without client knowledge or consent. The former agent also failed to lodge complete applications with the Department on behalf of a client, which resulted in the lodgement of an invalid application. The former agent failed to provide correct advice in regard to a client's eligibility to seek review. The former agent was also found to have failed to respond to communications from clients, properly address a conflict of interest resulting in a failure to remain impartial, failed to maintain accurate records, lodged multiple applications for financial gain rather

than in the legitimate and best interests of the client. The former agent lodged an appeal of the decision however later requested the matter be withdrawn.

- A former agent was barred from registration for a period of five years as the Authority was satisfied that the former agent: took on a large number of clients and accepted their money in advance but did little or no work to act on their instructions; repeatedly failed to communicate with her clients in a timely manner; was dishonest and avoidant towards her clients to conceal the fact that she had not undertaken work for which she had received payment; repeatedly failed to keep her clients informed of the progress of their matters; neglected her overriding duty to act in the interest of her clients which has resulted in the loss of visa opportunities and in some cases the clients having to depart Australia; and promised refunds to some clients but taken no action to effect such refunds. The former agent has not appealed the decision.

Cancellations (2):

- An RMA's registration was cancelled as she was found by the Authority to have intentionally made a false statutory declaration to the Authority in connection to her application for registration. The Authority found that the RMA had allowed a person who was not a registered migration agent to provide immigration advice and assistance to clients, thereby not exercising effective control of her office. In addition, the RMA has been, and continues to be, related by employment to an individual who is not a person of integrity.
- An RMA's registration was cancelled as the Authority was satisfied that the RMA had prepared and submitted five fraudulent documents to the Department and encouraged his clients to be complicit in this thereby exposing them to the possibility of criminal prosecution. The RMA repeatedly and knowingly provided statements to the Authority that were false and/or misleading when responding to the complaint matters. Additionally, the RMA was found to have inappropriately managed client funds and failed to issue agreements for services and fees to clients, despite withdrawing said monies. The RMA also failed to maintain proper and accurate client records in relation to the complaints received. The RMA was found not to be a person of integrity and not fit and proper to provide immigration assistance. The decision has been appealed.

Suspensions (4):

- An RMA was suspended for a period of 12 months and subject to certain conditions. The Authority found that the RMA knowingly facilitated the provision of unlawful immigration assistance by a person who was not a registered migration agent, and who was likely involved in a payment for visa scheme. The RMA claimed to the Authority that this person was only acting as an intermediary, however the evidence did not support this claim. The Authority found that the RMA was not a person of integrity and not a fit and proper person to give immigration assistance. The RMA has not appealed the decision.
- An RMA was suspended for a period of three months and subject to certain conditions. The Authority was satisfied that the RMA had accessed personal and immigration information of a person who was not a client of the agent, on three separate occasions without the client's knowledge or consent, using the Department's VEVO system. By accessing this information, the RMA acted in contravention of the law. The Authority also found that the RMA withheld documents during the investigation of the complaint, in order to conceal matters relevant to the RMA's unauthorised access to information using VEVO. The RMA was found not to be a person of integrity and not fit and proper to provide immigration assistance at the time. The RMA has not appealed the decision.

- An RMA was suspended for a period of 12 months and until certain conditions are met, including demonstration of competence. Following the Authority's investigation of seven complaints, the Authority found that the agent had repeatedly failed to comply with multiple clauses of the Code, particularly in relation to record keeping and financial duties. Such behaviour resulted in adverse visa outcomes and financial losses for the RMA's clients. Previous instances of breaches of the Code had been brought to the RMA's attention by the Authority, however the RMA had not taken steps to remediate her practices. The RMA appealed the decision but later withdrew the application.
- An RMA was suspended for a period of three months and subject to certain conditions. Due to personal sensitivities this decision has not been published.

Cautions (1):

- An RMA was cautioned for a period of six months and subject to certain conditions. The Authority was satisfied that the RMA engaged in a deliberate act of misleading the Authority by knowingly submitting non-genuine documents in response to a complaint, and representing that those documents were genuine. The Authority found the RMA's conduct in relation to the non-genuine documents was dishonest and demonstrated poor judgement. At the relevant time, the RMA also maintained exceptionally poor and unprofessional office practices. However, the Authority accepted that there were some mitigating circumstances, in that the RMA had demonstrated genuine remorse and has since improved his office practices. The RMA has not appealed the decision.