

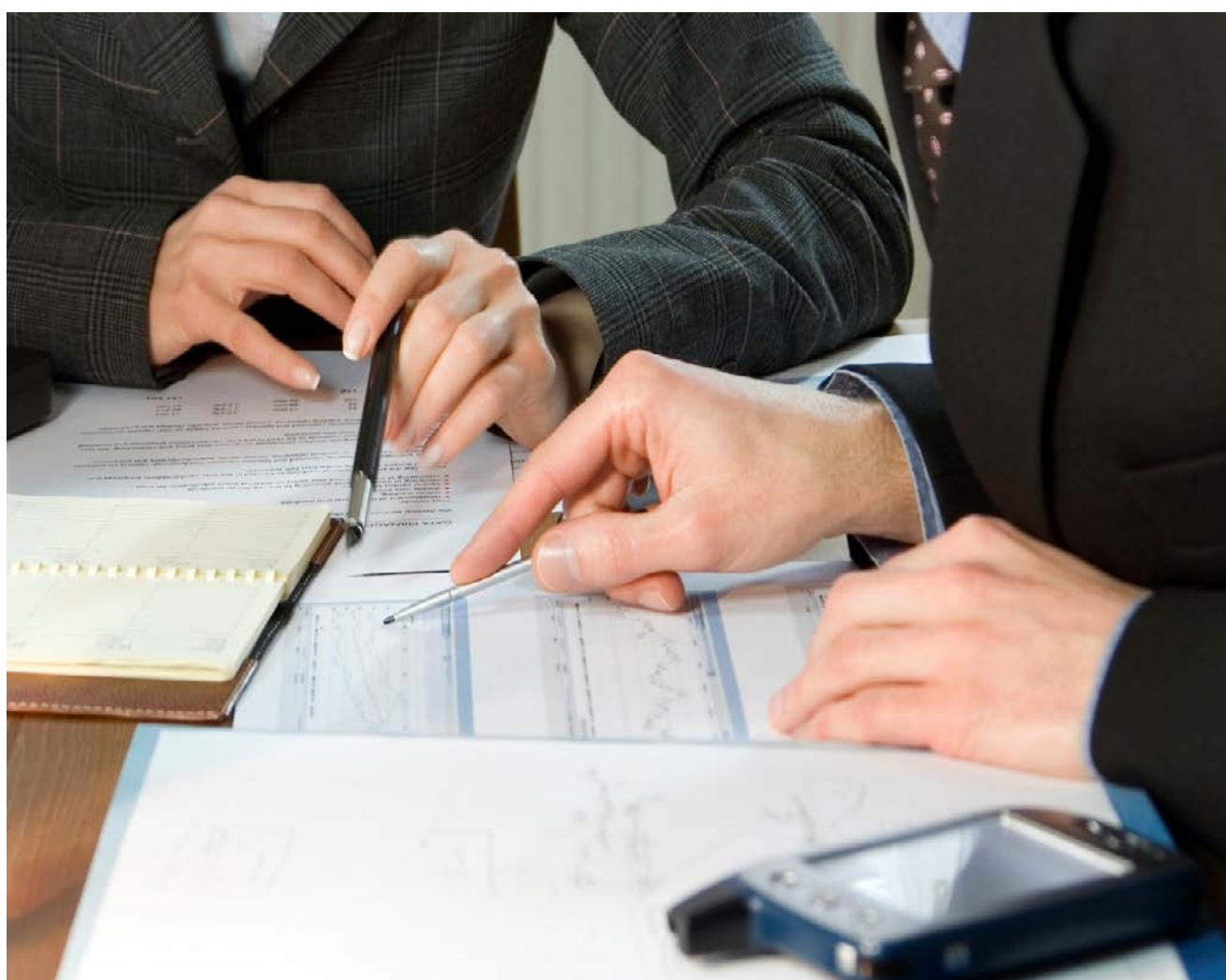


# Migration Agent Activity Report

Quarterly report on the provision of immigration assistance in Australia

January to March 2015

Quarter 3



# Table of contents

|   |           |
|---|-----------|
| <b>1. Executive summary .....</b>                                 | <b>3</b>  |
| 1.1 About this report .....                                       | 3         |
| 1.2 Key statistics highlighted in this report .....               | 3         |
| <b>2. Information about migration agents .....</b>                | <b>4</b>  |
| 2.1 Overview of the profession .....                              | 4         |
| 2.2 Summary of registration applications .....                    | 6         |
| 2.3 Registration withdrawals and refusals .....                   | 6         |
| 2.4 Number of agents removed from the register .....              | 7         |
| 2.5 Experience of registered migration agents .....               | 7         |
| 2.6 Visa applications lodged by registered migration agents ..... | 8         |
| <b>3. Complaint processing by OMARA .....</b>                     | <b>9</b>  |
| 3.1 Complaint activity summary .....                              | 9         |
| 3.2 Sources of new complaints to OMARA .....                      | 9         |
| 3.3 Complaint outcomes .....                                      | 10        |
| <b>4. Sanction decisions made by OMARA .....</b>                  | <b>11</b> |
| 4.1 Sanction decisions .....                                      | 11        |
| 4.2 Sanction outcomes .....                                       | 11        |

# 1. Executive summary

## 1.1 About this report

**IMPORTANT:** This report, as a whole, is for internal distribution within the Department of Immigration and Border Protection (the Department) only. The information covered in sections 2, 3 and 4 is published on the Office of the Migration Agents Registration Authority (OMARA) website.

This quarterly 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.

**\*PLEASE NOTE:** While the data contained in this report has been formulated with all due care, 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.

## 1.2 Key statistics highlighted in this report

- \* The total number of registered migration agents has increased from 5452 at 31 December 2014 to 5585 at 31 March 2015.
- \* During this quarter, registered migration agents lodged 73 per cent of the total 457 Temporary Work (Skilled) visa applications, 76 per cent of Employer Sponsored visa applications, 64 per cent of Business Skills visa applications and 40 per cent of Refugee/Protection visas applications.

This report was compiled by the Regulatory Support and Co-ordination Section of OMARA.

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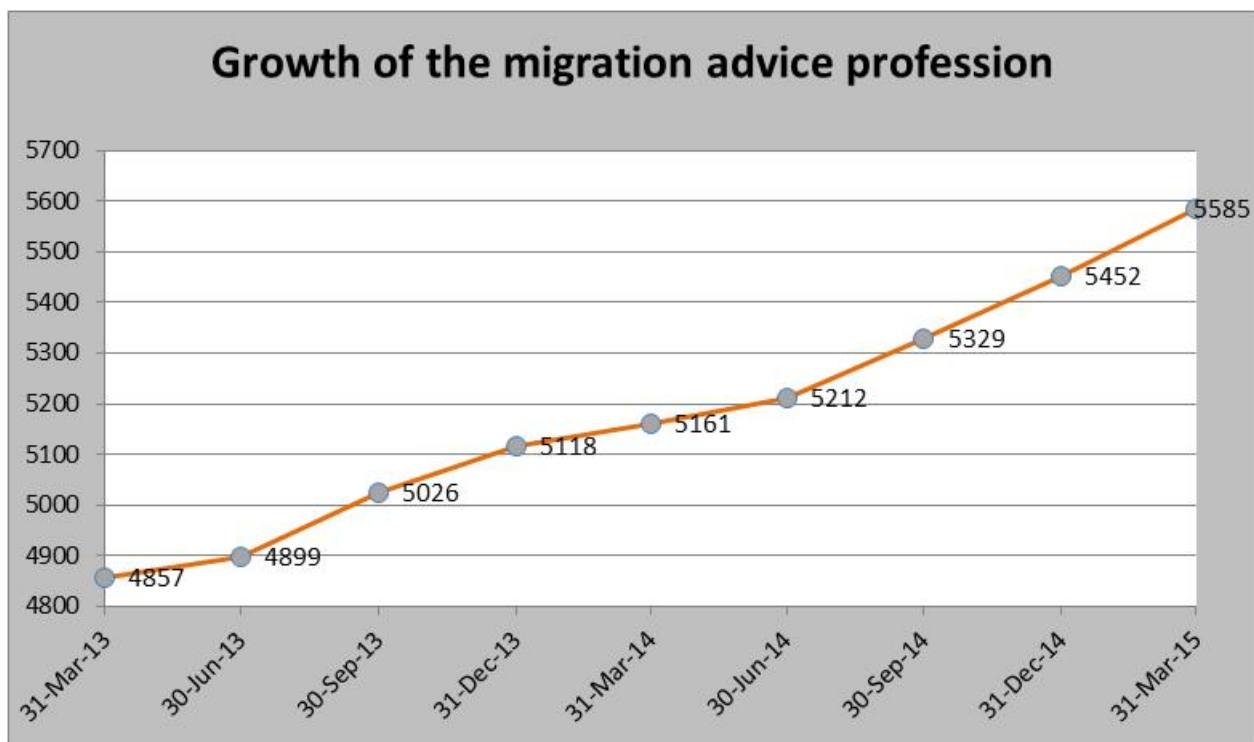
## 2. Information about migration agents

### 2.1 Overview of the profession

The table below shows the number of agents registered with OMARA for this quarter. 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       | End of quarter | %     |
|---|----------------|-------|
| Total number of registered migration agents | 5585           |       |
| Agents operating on a commercial basis      | 5200           | 93.1% |
| Agents operating on a non-commercial basis  | 385            | 6.9%  |
| Agents with legal practising certificates   | 1895           | 33.9% |
| Agents registered under the TTMRA           | 31             | 0.6%  |

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



The table below shows the geographic distribution of registered migration agents, at 31 March 2015.

| Geographic distribution of registered migration agents | End of quarter | %     |
|--|----------------|-------|
| New South Wales  | 2192           | 39.2% |
| Victoria   | 1545           | 27.7% |
| Queensland   | 743            | 13.3% |
| South Australia  | 222            | 4.0%  |
| Western Australia                                      | 534            | 9.6%  |
| Northern Territory                                     | 25             | 0.4%  |
| Australian Capital Territory                           | 90             | 1.6%  |
| Tasmania   | 27             | 0.5%  |
| Overseas   | 207            | 3.7%  |
| Total  | 5585           | 100%  |

The table below provides a profile of registered migration agents, at 31 March 2015.

| General statistics                                      | End of quarter | Totals |
|---|----------------|--------|
| Average age of agents (years)                           | 44.3           |        |
| Percentage of female agents                             | 45.8%          | 2557   |
| Percentage of male agents                               | 54.2%          | 3028   |
| Percentage operating as sole traders (primary business) | 43.9%          | 2451   |
| Percentage who have never had a complaint               | 74.4%          | 4154   |

## 2.2 Summary of registration applications

The table below shows the number of registration applications processed during the quarter.

| 1 January to 31 March 2015   | New registration applications | Repeat registration applications | Total |
|------------------------------|-------------------------------|----------------------------------|-------|
| On hand at start of quarter* | 98                            | 130                              | 228   |
| Received                     | 280                           | 1327                             | 1607  |
| Approved                     | 242                           | 1270                             | 1512  |
| Withdrawn / Incomplete       | 7                             | 2                                | 9     |
| Deemed**                     | 0                             | 2                                | 2     |
| Refused                      | 0                             | 2                                | 2     |
| On hand at end of quarter    | 129                           | 181                              | 310   |

\* These figures vary from the on-hand figures reported last quarter due to a variation in the methodology for collating the information.

\*\*Applications approved by operation of law in accordance with Section 300(5) of the Migration Act 1958

## 2.3 Registration withdrawals and refusals

The table below shows the reasons for the registration withdrawal and refusal decisions during the quarter.

| 1 January to 31 March 2015                           | Withdrawals |          | Refusals |          |
|--|-------------|----------|----------|----------|
| Registration requirement                             | New         | Repeat   | New      | Repeat   |
| English language                                     | 5           | 0        | 0        | 0        |
| Permanent resident / Australian citizen              | 0           | 0        | 0        | 0        |
| Fit and proper person                                | 0           | 0        | 0        | 1        |
| Conflict of interest                                 | 0           | 0        | 0        | 0        |
| Qualifications / Continuing Professional Development | 1           | 0        | 0        | 1        |
| Other  | 1           | 2        | 0        | 0        |
| <b>Total</b>   | <b>7</b>    | <b>2</b> | <b>0</b> | <b>2</b> |

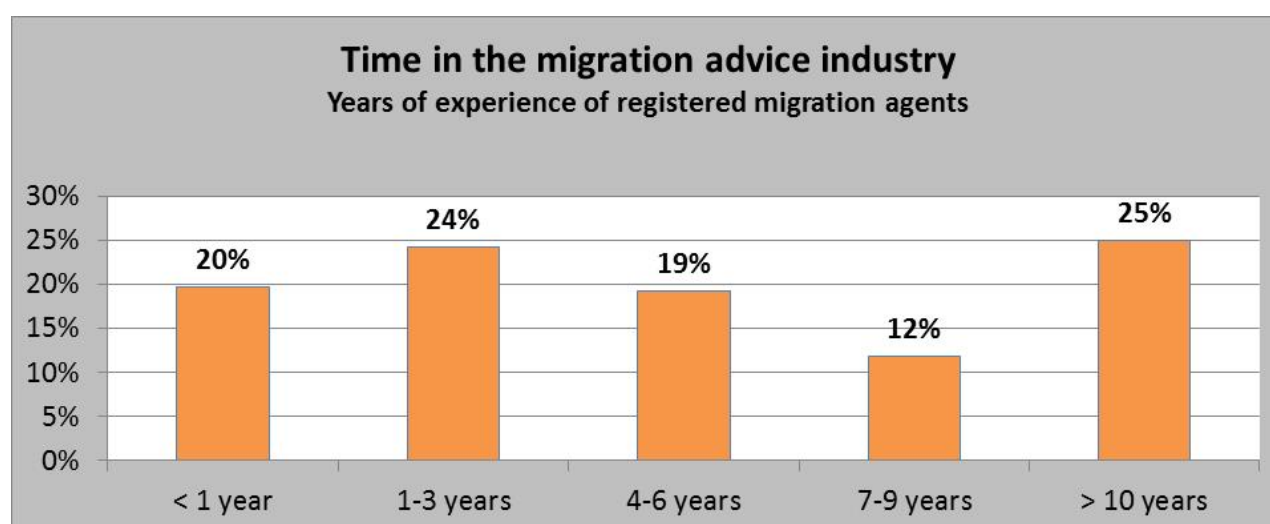
## 2.4 Number of agents removed from the register

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

| 1 January to 31 March 2015 | By request | Lapsed | Total |
|----------------------------|------------|--------|-------|
| Removed from the register  | 7          | 139    | 146   |

## 2.5 Experience of registered migration agents

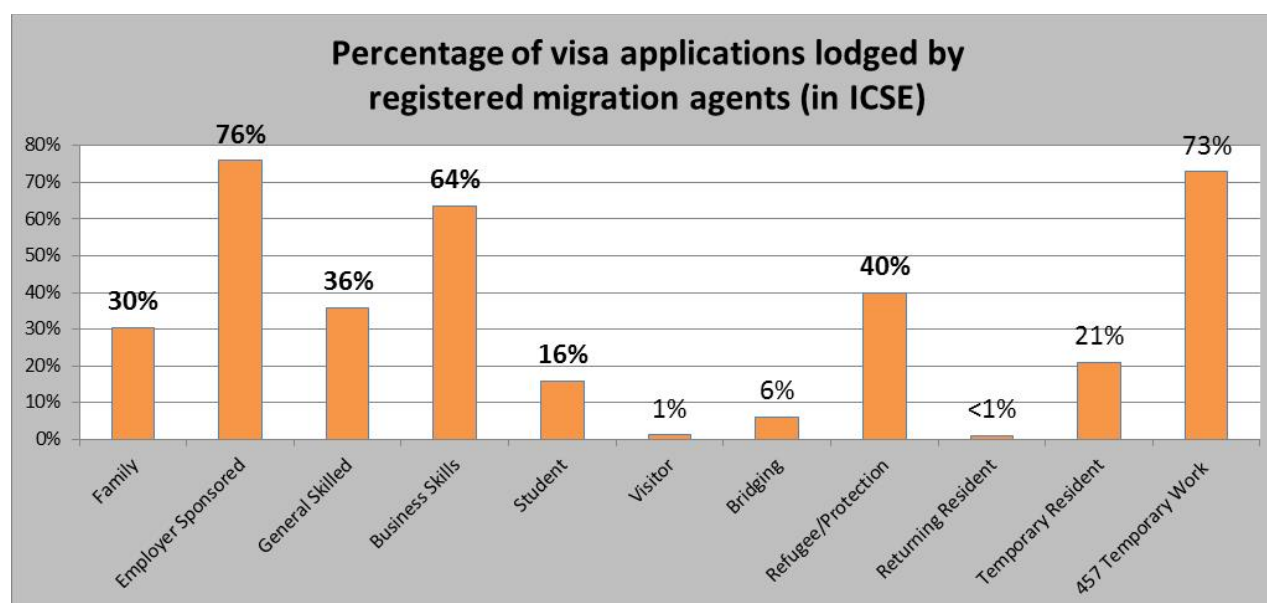
This graph shows that at 31 March 2015, approximately 1103 (20%) migration agents were continuously registered for less than one year and 1352 (24%) had been registered between one and three years. There were approximately 1398 (25%) agents registered for more than 10 years.



## 2.6 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 March 2015. The source of this data is the Integrated Client Service Environment (ICSE); it does not include data from the Immigration Records Information System (IRIS) or the Generic Visa Portal.

| Visa Class                   | Migration agent used | Total applications | Percentage lodged by a migration agent |
|------------------------------|----------------------|--------------------|--|
| Family                       | 3906                 | 12841              | 30%                                    |
| Employer Sponsored           | 10888                | 14341              | 76%                                    |
| General Skilled              | 6657                 | 18575              | 36%                                    |
| Business Skills              | 2106                 | 3316               | 64%                                    |
| Student                      | 11403                | 71765              | 16%                                    |
| Visitor                      | 3492                 | 316795             | 1%                                     |
| Bridging                     | 1251                 | 20759              | 6%                                     |
| Refugee/Protection           | 789                  | 1981               | 40%                                    |
| Returning Resident           | 105                  | 31707              | <1%                                    |
| Temporary Resident           | 5961                 | 28586              | 21%                                    |
| 457 Temporary Work (Skilled) | 17730                | 24320              | 73%                                    |
| <b>TOTAL (in ICSE)</b>       | <b>64288</b>         | <b>544986</b>      | <b>12%</b>                             |





## 3. Complaint processing by OMARA

A key objective for 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 activity summary

| Complaint activity        | Apr-Jun 2014 | Jul-Sep 2014 | Oct-Dec 2014 | Jan-Mar 2015 |
|---------------------------|--------------|--------------|--------------|--------------|
| New complaints received   | 124          | 144          | 256          | 131          |
| Re-opened complaints      | 2            | 1            | 1            | 3            |
| Finalised complaints      | 118          | 138          | 153          | 194          |
| On hand at end of quarter | 212          | 219          | 323          | 264          |

### 3.2 Sources of new complaints to OMARA

| Source of complaint             | Apr-Jun 2014 | Jul-Sep 2014 | Oct-Dec 2014 | Jan-Mar 2015 |
|---------------------------------|--------------|--------------|--------------|--------------|
| Individuals                     | 114          | 99           | 98           | 98           |
| OMARA initiated                 | 6            | 9            | 2            | 8            |
| The Department                  | 2            | 27           | 147**        | 19           |
| Other migration agents          | 0            | 1            | 0            | 1            |
| Referred by a Tribunal or Court | 1            | 2            | 1            | 1            |
| Other sources                   | 1            | 6            | 8            | 4            |
| Total new complaints            | 124          | 144          | 256          | 131          |

\* Please note, due to data migration issues and ongoing data cleansing, there are minor discrepancies in complaints activity figures.

\*\* There was an increase in the number of complaints referred by the Department following a change of process.

### 3.3 Complaint outcomes

The table below lists the outcomes of complaints about breaches of the Code finalised by OMARA over the January to March quarter. The report 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<br>1 January to 31 March 2015      | Complaints finalised |
|---|----------------------|
| Breach found: resolved and finalised without sanction | 23                   |
| No breach found                                       | 46                   |
| Dismissed   | 122                  |
| Referred  | 3                    |
| Resulted in sanction decision                         | 0                    |
| Total   | 194                  |

1. **Breach found: resolved and finalised without sanction** – Issues considered insufficient to warrant a sanction may be resolved by negotiation, conciliation, mediation or issuing of a corrective action recommendation or a warning letter.
2. **No breach found** – 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 or referred** – Complaints are dismissed where OMARA has no jurisdiction (e.g. complaints about unregistered individuals); if the complaint refers to the practice of law (rather than immigration assistance) and is referred to the relevant body for disciplining agents who are lawyers; 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. **Resulted in sanction decision** – Sanction decisions occur where serious breach(es) of the Code have been found. The types of sanction decisions include: caution; suspension; cancellation of registration; and barring of former registered migration agents from applying for registration.

## 4. Sanction decisions made by OMARA

### 4.1 Sanction decisions

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

|              | Apr-Jun 2014 | Jul-Sep 2014 | Oct-Dec 2014 | Jan-Mar 2015 |
|--------------|--------------|--------------|--------------|--------------|
| Caution      | 2            | 0            | 0            | 0            |
| Suspension   | 0            | 0            | 0            | 0            |
| Cancellation | 0            | 0            | 11           | 0            |
| Barring      | 0            | 0            | 0            | 0            |
| Total        | 2            | 0            | 11           | 0            |

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

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

|              | Apr-Jun 2014 | Jul-Sep 2014 | Oct-Dec 2014 | Jan-Mar 2015 |
|--------------|--------------|--------------|--------------|--------------|
| Caution      | 2            | 0            | 0            | 0            |
| Suspension   | 0            | 0            | 0            | 0            |
| Cancellation | 0            | 0            | 3            | 0            |
| Barring      | 0            | 0            | 0            | 0            |
| Total        | 2            | 0            | 0            | 0            |

### 4.2 Sanction outcomes

During the January to March quarter no sanction decisions were made.