



**Australian Government**

**Department of Immigration  
and Border Protection**

# Migration Agent Activity Report

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

1 July to 31 December 2016

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 is produced and published biannually.

## 1.2 Key statistics highlighted in this report

- The total number of registered migration agents has increased from 6306 at 30 June 2016 to 6684 at 31 December 2016.
- During the 1 July to 31 December 2016 period, registered migration agents lodged 75 per cent of the total 457 Temporary Work (Skilled) visa applications, 84 per cent of Employer Sponsored visa applications, 62 per cent of Business Skills visa applications and 20 per cent of Permanent Protection visa applications.

This report was compiled by OMARA Programme Management.

Email: [maracomms@border.gov.au](mailto:maracomms@border.gov.au)

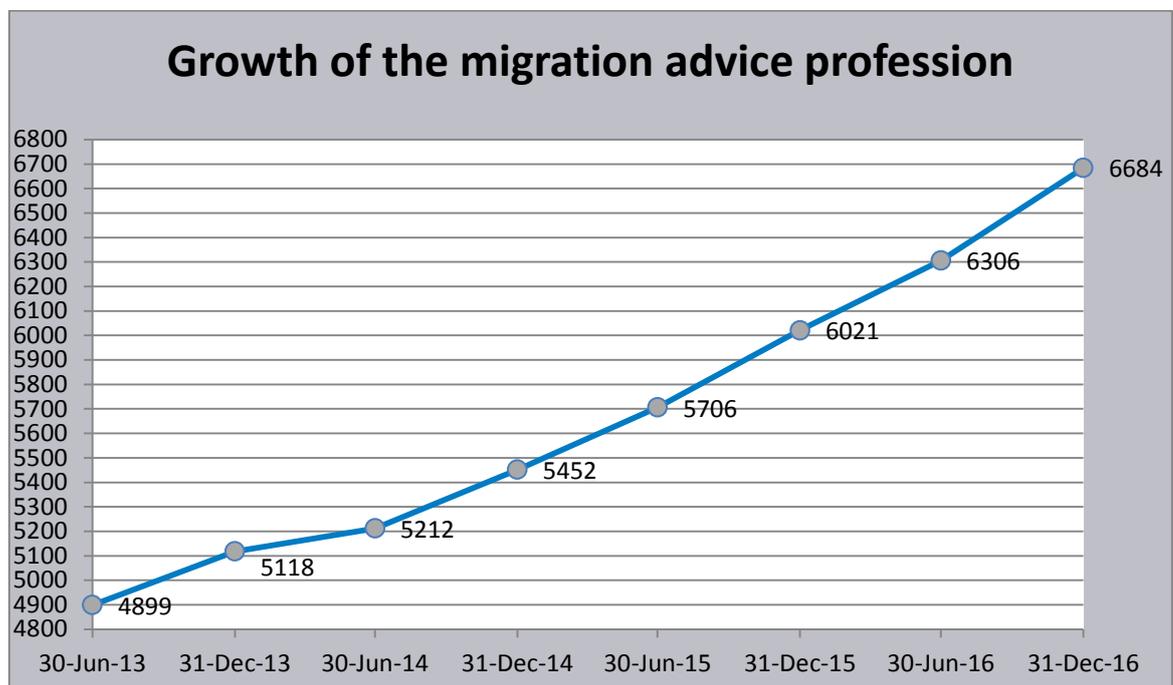
## 2. Information about migration agents

### 2.1 Overview of the profession

The table below shows the number of agents registered with the OMARA at 31 December 2016. 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 Dec 2016	%
Total number of registered migration agents	6684	
Agents operating on a commercial basis	6136	91.8%
Agents operating on a non-commercial basis	548	8.2%
Agents with legal practising certificates	2241	33.5%
Agents registered under the TTMRA	38	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 2016.

Geographic distribution of registered migration agents	At 31 Dec 2016	%
New South Wales	2507	37.5%
Victoria	2011	30.1%
Queensland	856	12.8%
Western Australia	613	9.2%
South Australia	286	4.3%
Northern Territory	27	0.4%
Australian Capital Territory	112	1.7%
Tasmania	31	0.5%
Overseas	241	3.6%
<b>Total</b>	<b>6684</b>	<b>100%</b>

The table below provides a profile of registered migration agents at 31 December 2016.

General statistics	At 31 Dec 2016	Totals
Average age of agents (years)	44	
Percentage of female agents	47.7%	3188
Percentage of male agents	52.3%	3496
Percentage operating as sole traders (primary business)	40.2%	2689
Percentage who have never had a complaint	75.1%	5018

## 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 July to December 2016.

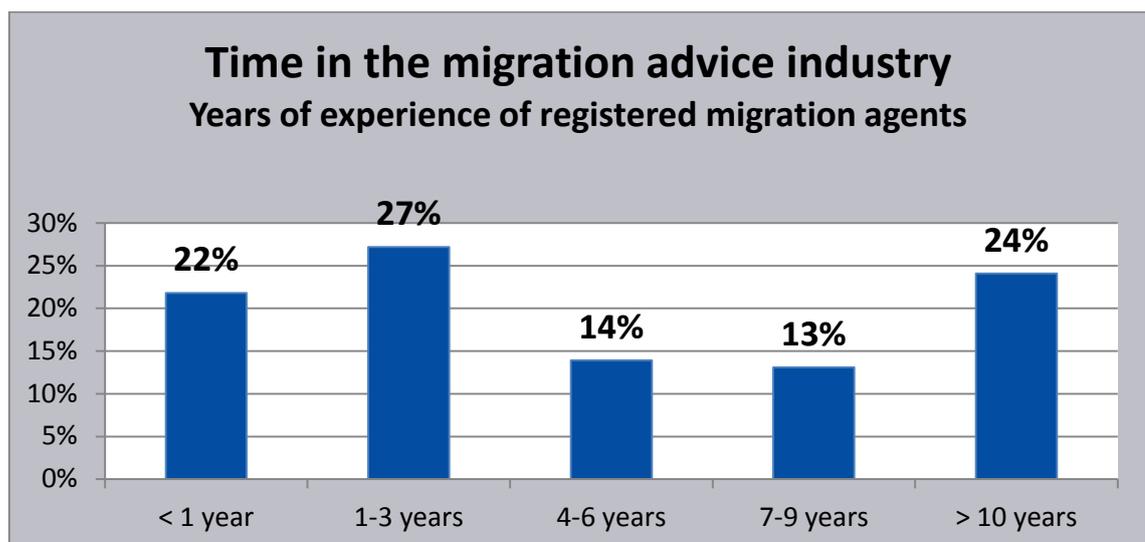
Registration requirement 1 July – 31 December 2016	Withdrawals		Refusals	
	New	Repeat	New	Repeat
English language	10	0	1	0
Non-commercial registration requirements	1	3	0	0
Fit and proper person	1	2	0	3
Professional indemnity insurance	1	0	0	0
Qualifications / Continuing Professional Development	2	0	0	0
Other (on request, not related to potential refusal)	3	2	0	0
<b>Total</b>	<b>18</b>	<b>7</b>	<b>1</b>	<b>3</b>

## 2.3 Number of agents removed from the register

The figures below show the total number of agents removed from the register during from July to December 2016, either by request or lapse in registration. Please note some of these agents will have since reapplied for registration.

1 July to 31 December 2016	By request	Lapsed	Total
Removed from the register	18	295	313

## 2.4 Experience of registered migration agents

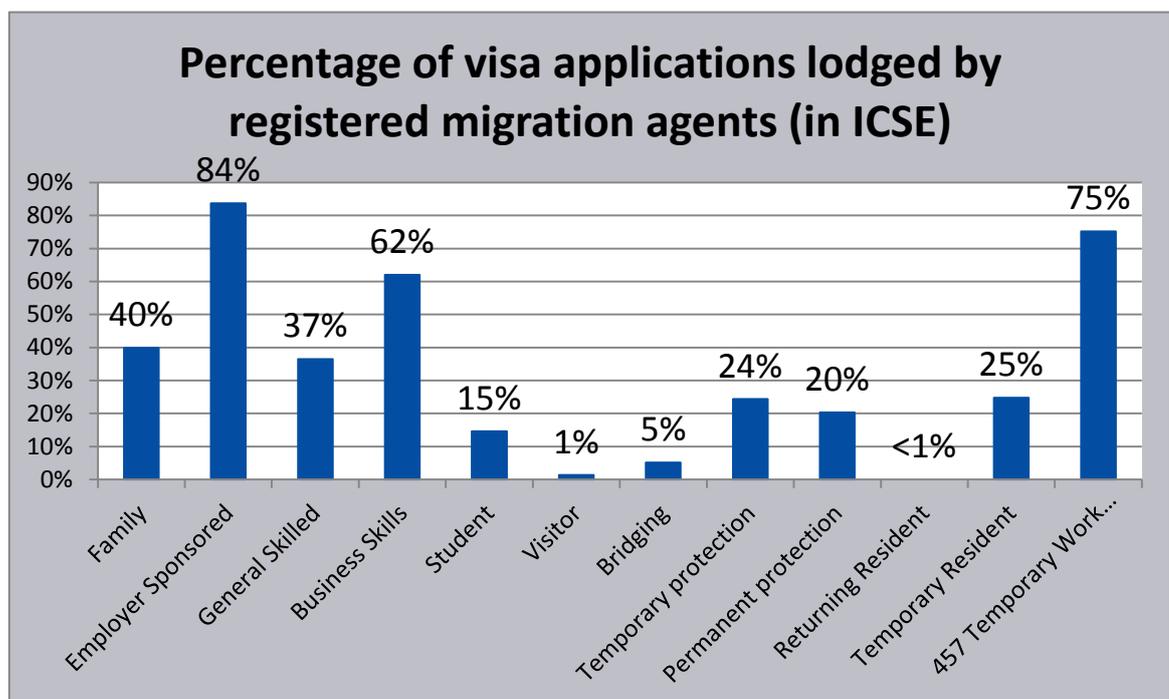


This graph shows that at 31 December 2016, approximately 1456 (22%) migration agents were continuously registered for less than one year and 1816 (27%) had been registered between one and three years. There were approximately 1609 (24%) agents registered for more than 10 years.

## 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 July and December 2016. 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	14,432	36,178	39.9%
Employer Sponsored	23,647	28,266	83.7%
General Skilled	15,500	42,447	36.5%
Business Skills	5,725	9,235	62.0%
Student	25,096	171,657	14.6%
Visitor	11,904	869,303	1.4%
Bridging	2,083	40,463	5.1%
Temporary protection	2,933	12,036	24%
Permanent protection	1,792	8,825	20%
Returning Resident	293	73,751	<1%
Temporary Resident	15,733	63,392	25%
457 Temporary Work (Skilled)	37,474	49,828	75%
<b>TOTAL (in ICSE)</b>	<b>156,612</b>	<b>1,405,381</b>	<b>11%</b>



## 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 July to 31 December 2016. 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 1 July – 31 December 2016	Complaints finalised
Breach found: resolved and finalised without sanction, corrective instruction provided for action by agent	35
No breach found: corrective instruction provided for action by agent	12
No breach found	53
Dismissed	198
Referred	1
Resulted in sanction decision	31
<b>Total</b>	<b>330</b>

- Breach found: resolved and finalised without sanction, corrective instruction provided for action by agent** – 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.
- No breach found: corrective instruction provided for action by agent** – Issues considered insufficient to warrant a breach finding may be resolved by negotiation, conciliation, mediation or issuing of a corrective action recommendation or a warning letter.
- 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.
- Dismissed or referred** – Complaints are dismissed where the 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.
- 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 the OMARA

### 4.1 Sanction decisions

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

	Jan-Jun 2016	Jul-Dec 2016	Total
Caution	4	0	4
Suspension	0	5	5
Cancellation	17	22	39
Barring	45	4	49
<b>Total</b>	<b>66</b>	<b>31</b>	<b>97</b>

**\*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.

	Jan-Jun 2016	Jul-Dec 2016	Total
Caution	3	0	3
Suspension	0	2	2
Cancellation	4	5	9
Barring	5	1	6
<b>Total</b>	<b>12</b>	<b>8</b>	<b>20</b>

### 4.2 Sanction outcomes

#### Suspensions:

- An agent had their registration suspended for a minimum period of 12 months and until certain conditions are met on the basis that the agent deceived the Authority by failing to provide information requested under statutory notice. This related to the work he had undertaken for the complainant where the agent did not act in accordance with the law by being party to, or alternatively, facilitating the supply of fraudulent documents to the complainant. The Authority was also satisfied that the agent was not a person of integrity or a fit and proper person to provide immigration assistance.

- An agent had their registration suspended for a minimum period of 12 months and until certain conditions are met on the basis that the agent had breached the Code of Conduct for Registered Migration Agents. The agent did not have due regard to his client's dependence and reliance on his knowledge and experience as a registered migration agent, acted in a fraudulent manner by forging the complainant's signatures on visa application forms and a review application form and providing it to the Department and the RRT, and acted without any concern for whether his conduct would adversely impact on or undermine the reputation of the migration advice profession. The Authority was also satisfied that the agent was not a person of integrity or a fit and proper person to provide immigration assistance.

#### **Cancellations:**

- An agent had their registration cancelled on the basis that the agent was found to not be a 'fit and proper' person to be registered.
- An agent had their registration cancelled following a decision by the Supreme Court of Tasmania to remove the agent's name from the Roll of Legal Practitioners in Tasmania on the ground of professional misconduct. Based on the findings and decision of the Supreme Court, the Authority was satisfied that the agent was not a person of integrity and was otherwise not fit and proper to give immigration assistance.
- An agent had their registration cancelled on the basis of four complaints where the Authority was satisfied that the agent had provided non-genuine documents and/or information to the Authority and to the Department of Immigration and Border Protection. He also failed to comply with a notice issued to him by the Authority, failed to provide Agreements for Services and Fees to clients, failed to act in his clients' best interests, failed to issue to clients invoices and/or receipts and had poor record keeping practices. The Authority also found that the agent was not a person of integrity or was otherwise not a fit and proper person to give immigration assistance.
- An agent had their registration cancelled on the basis that the agent did not inform his client that her visa application had been refused thereby allowing his client to unknowingly remain in Australia unlawfully for some four years exposing her to possible detention and sanction action for working when unlawful. Further the agent misled his clients and took more fees from the client and sponsor to make another visa application when the client was prevented from making further applications onshore.
- An agent had their registration cancelled on the basis that the agent repeatedly misled his clients, did not lodge applications and perform services which he was contracted to provide, retained client funds, knowingly presented false information to the Department in connection with two visa applications and failed to respond to complaints and attempted to mislead the Authority.

**Barring:**

- A former agent was barred for the maximum period of five years as he had intentionally abused the trust and dependence that his clients placed in him in relation to their visa applications and caused them significant harm in terms of visa outcomes and financial outlay. The conduct extended to knowledge of and involvement in, an arrangement where sponsorship for a visa was procured in exchange for payment and served to undermine the integrity of the employer sponsored visa programmes.