



Australian Government

Department of Home Affairs

Migration Agent Activity Report 1 July 2022 – 31 December 2022

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

Prepared by the Office of the Migration Agents Registration Authority
(OMARA)

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1. Executive summary

1.1. About this report

This biannual report presents summary information and an analysis of the activity of registered migration agents in the migration advice industry in Australia. This information is provided by the Department of Home Affairs and was extracted from departmental systems. As data has been drawn from a dynamic system environment, the information is correct at the time of publication and figures may differ slightly from previous or future reporting.

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.

This report was compiled by the OMARA Communications and Stakeholder Engagement Team.

1.2. Key statistics highlighted in this report

- 4,839 registered migration agents (RMAs) at 31 December 2022 is comparable to 4,868 RMAs at 30 June 2022.
- During the 1 July 2022 to 31 December 2022 period, 54 per cent of Temporary Skill Shortage visa applications, 58 per cent of Employer Sponsored visa applications, 62 per cent of Business Skills visa applications and 12 per cent of Permanent Protection visa applications were lodged by an RMA.

2. Information about registered migration agents

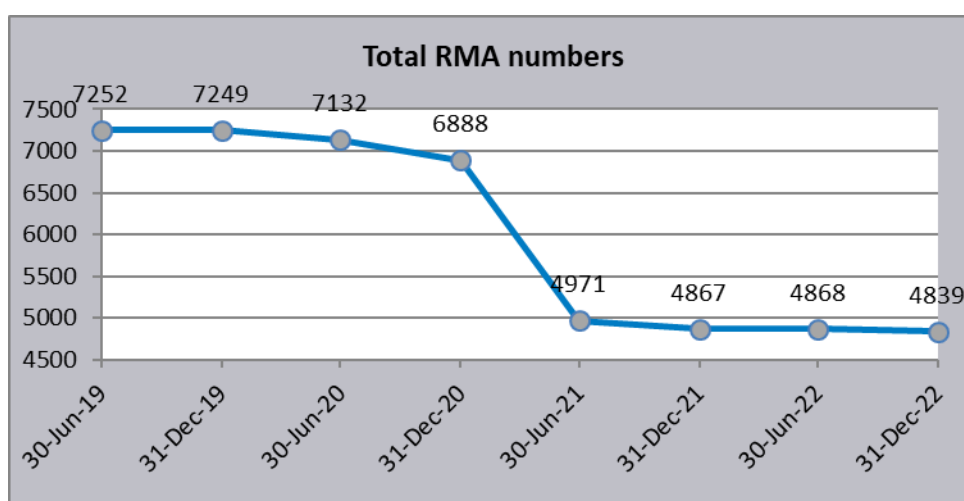
2.1. Overview of the profession

This table shows the number of migration agents registered with the OMARA at 31 December 2022. It also shows the proportion of RMAs working in the non-commercial sector, those who hold a restricted legal practising certificate and those registered under the *Trans-Tasman Mutual Recognition Act 1977* (TTMRA):

Number of registered migration agents	At 31 December 2022	
Total number of registered migration agents (RMAs)	4,839	
RMAs operating on a commercial basis	4,766	98%
RMAs operating on a non-commercial basis	81	2%
RMAs with restricted legal practising certificates	161	3%
RMAs registered under the TTMRA	68	1%

On 22 March 2021, 1,706 unrestricted legal practising certificate holders (unrestricted lawyers) were removed from the OMARA's Register of Migration Agents following the *Migration Amendment (Regulation of Migration Agents) Act 2020* coming into effect.

This graph shows the number of RMAs in the migration advice profession over the past four years.



The table below shows the geographic distribution of RMAs at 31 December 2022.

Geographic distribution of RMAs at 31 December 2022	Total RMAs	
New South Wales	1,572	33%
Victoria	1,584	33%
Queensland	646	13%
Western Australia	495	10%
South Australia	226	5%
Northern Territory	25	<1%
Australian Capital Territory	73	2%
Tasmania	21	<1%
Overseas	197	4%
Total	4,839	100%

The table below provides a profile of RMAs at 31 December 2022.

General statistics	31 December 2022	
Average age of RMAs (years)	47	
Female RMAs	2,295	47%
Male RMAs	2,544	53%
RMAs operating as sole traders	1,882	39%
RMAs who have never had a complaint*	3,239	67%

* Although 33% of current RMAs 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 RMA. **Section 3.1** of this report provides a breakdown of the complaint outcomes for this period.

2.2. Registration withdrawals and refusals

RMA's must renew their registration on an annual basis if they wish to continue to lawfully provide immigration assistance. The table below shows the reasons for registration application withdrawal and refusal decisions for both initial and repeat registration applications from 1 July 2022 to 31 December 2022.

Registration requirement 1 July 2022 – 31 December 2022	Withdrawals		Refusals	
	Initial	Repeat	Initial	Repeat
Agent cancelled	0	0	0	1
Agent suspended	0	1	0	0
Conflict of interest	0	1	0	0
Continuing Professional Development	0	1	0	0
English language	1	0	0	0
Fit and proper person	1	2	0	1
Non-commercial registration requirements	1	1	0	0
Total	3	6	0	2
	9		2	

2.3. Number of RMA's removed from the Register

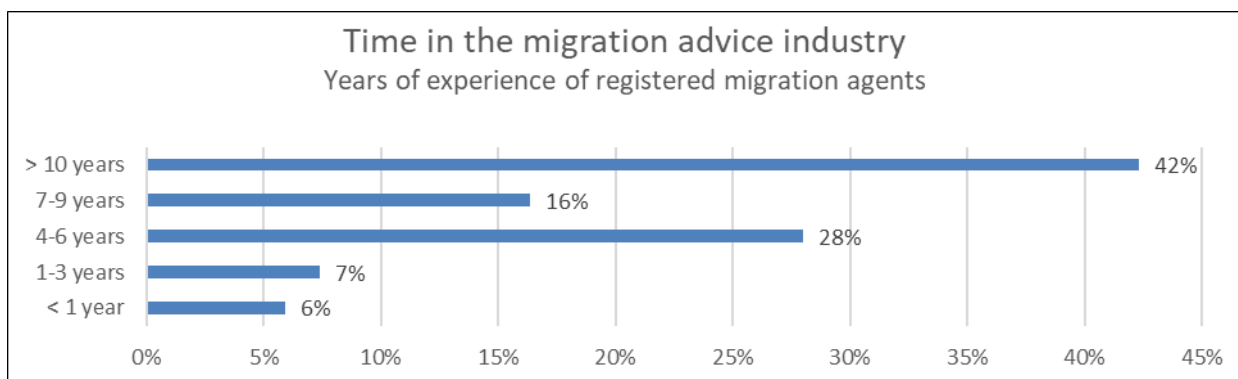
The figures below show the total number of RMA's removed from the Register from 1 July 2022 to 31 December 2022, either at their request or by not renewing their registration (lapsed). Please note that some lapsed agents will have since reapplied for registration. The total of 205 is an increase of eight per cent compared to 189 in the period 1 January to 30 June 2022.

With the implementation of the legislation to remove unrestricted legal practitioners from OMARA regulation, a number of restricted legal practising certificate holders will have allowed their registration to lapse in order to provide immigration as the holder of an Australian legal practising certificate.

1 July to 31 December 2022	By request	Lapsed	Total
Removed from the register	41	164	205

2.4. Experience of RMAs

This graph shows that at 31 December 2022, of the 4,839 RMAs, six per cent had been registered for less than one year, seven per cent had been registered between one and three years, 28 per cent had been registered between four and six years, 16 per cent had been registered between seven and nine years and 42 per cent had been registered for more than 10 years.



2.5. Visa applications lodged by RMAs

This table shows the proportion of visa applications lodged by RMAs between 1 July 2022 and 31 December 2022. The source of this data is the Integrated Client Services 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	16,922	39,302	43%
Employer Sponsored	14,983	25,794	58%
General Skilled	27,541	54,691	50%
Business Skills	4,059	6,506	62%
Student	44,518	252,782	18%
Visitor	45,608	1,502,745	3%
Bridging	3,922	21,348	18%
Temporary Protection	29	2,523	1%
Permanent Protection	991	8,400	12%
Returning Resident	5,939	109,306	5%
Temporary Resident	74,442	178,324	42%
Temporary Skill Shortage	24,748	45,863	54%
TOTAL (in ICSE)	263,702	2,247,584	12%

3. Complaint processing by the OMARA

A key objective for the OMARA in effectively regulating RMAs is to ensure they comply with the Code of Conduct for Registered Migration Agents (the Code). The Code establishes the minimum professional standards for RMAs. It 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 July 2022 to 31 December 2022. 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	1
2 Breach found: resolved and finalised without sanction	22
3 No breach found: may include corrective instruction	15
4 Dismissed	127
5 Referred	2
Total	167

Note: percentage results may not sum exactly to 100 per cent due to rounding.

- 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 RMAs from applying for registration; cancellation or suspension of registration; and cautioning an RMA. See **section 4**.
- 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 RMA who is the subject of the complaint. Matters may be referred to other agencies or the State and Territory legal professional body.
- 5. Referred:** Complaints referred to another section of the Department, or another agency for investigation.

4. Sanction decisions made by the OMARA

4.1 Complaints

The table below shows the number of complaints that resulted in sanction decisions for the period 1 July 2022 to 31 December 2022.

	Jan-Jun 2022		Jul-Dec 2022		Total	
	Count	Percentage	Count	Percentage	Count	Percentage
Barring	0	0%	0	0%	0	0%
Cancellation	3	27%	1	100%	4	33%
Suspension	6	55%	0	0%	6	50%
Caution	2	18%	0	0%	2	17%
Total	11	100%	1*	100%	12	100%

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

Note: percentage results may not sum exactly to 100 per cent due to rounding.

* The reduction in sanction decisions between 1 July 2022 to 31 December 2022 is attributable to the OMARA's focus on the design and implementation of a revised triage and assessment model during this period. Under the revised model, less serious misconduct matters are dealt with through an early resolution model to educate the RMA as to their requirements under the Code of Conduct at the earliest opportunity. This allows the OMARA to investigate allegations of serious misconduct in a timely manner. The OMARA expects an increase in sanctions decision in the second half of the 2022-2023 program year.

4.2 Sanctions

The table below shows the number of RMAs and former RMAs sanctioned during the period 1 July 2022 to 31 December 2022 as a result of the complaints listed in the table above.

	Jan-Jun 2022		Jul-Dec 2022		Total	
	Count	Percentage	Count	Percentage	Count	Percentage
Barring	0	0%	0	0%	0	0%
Cancellation	2	33%	1	100%	3	43%
Suspension	2	33%	0	0%	2	29%
Caution	2	33%	0	0%	2	29%
Total	6	100%	1	100%	7	100%

Note: percentage results may not sum exactly to 100 per cent due to rounding.

4.3 Sanction decision summaries 1 July 2022 to 31 December 2022

Cancellations (1)

1. On 10 September 2021, the OMARA received a complaint alleging the RMA failed to declare his immigration assistance to the Department of Home Affairs (the Department) for a significant number of visa applications.

On 14 December 2022, the OMARA found that the RMA:

- acted with a blatant disregard for, or a significant degree of indifference to, the migration law and the visa programs in general
- made misleading, deceptive or inaccurate statements and otherwise acted dishonestly
- deliberately concealed his involvement in hundreds of visa applications with a view to mislead the Department
- acted without regard for the adverse impact the conduct would have on the reputation of the migration advice industry.

The RMA was found to be in breach of his obligations under section 312A of the Migration Act 1958 and clauses 2.1, 2.9 and 2.9A of the former Code of Conduct for Registered Migration Agents and sections 13 and 18 of the current Code of Conduct for Registered Migration Agents. As such the OMARA was satisfied that the RMA was not a person of integrity, or otherwise not a fit and proper person to give immigration assistance.

The OMARA cancelled the RMA's registration for a period of five years. The decision has not been appealed.