



Office of the Migration Agents Registration Authority
Practice guide for registered migration agents

Disappointed clients seeking refunds

The importance of clear service agreements

When it comes to complaints where the primary issue is a dispute over fees, the Office of the Migration Agents Registration Authority (OMARA) is aware that it is not uncommon for disappointed clients to seek a refund. This may happen even though there were no issues with how the Registered Migration Agent (RMA) handled the visa application under the Code of Conduct for registered migration agents (the Code).

An example of a dispute of this kind involved a proposed employer sponsored permanent visa application where the RMA had given a substantial amount of written advice before the preparation of the visa application had begun. The RMA's service agreement was simple, comprehensive and easy to understand. Services were split into two blocks of work. The first was the advice stage, and the second was the preparation, lodgement and post-lodgement service stage.

In this case, new information came to light early in the preparation stage, which meant the prospects of success were diminished. In these circumstances, after informing the client, the RMA decided that it was not reasonable to continue with the application and terminated their services. The service agreement clearly indicated the amount of fees that would be payable on termination (based on the amount of work already completed and consistent with the Code) and the RMA returned the remainder of the client monies. The client then attempted to obtain a refund from the RMA, and when this was unsuccessful, a complaint was lodged with the OMARA.

Through an informal process of correspondence, the RMA provided extracts from the client file (emails) supporting the work completed, together with financial records and an explanation of the calculation made to determine what monies were retained for professional fees. The complaint officer determined there was a reasonable basis for the fees and advised both the RMA and the client that the RMA's actions were consistent with the Code and the fees charged were reasonable in the circumstances. The complaint was closed with a recording of no breach of the Code.

The positive and speedy resolution of the complaint in this example shows the value of:

- clear and comprehensive service agreements
- good record keeping, and
- cooperation by the RMA.