



Migration Agents Instruments Review

Overview

The Migration Agents Instruments Review (the Review) is founded on the Australian Government's commitment to creating a world class migration advice industry. Specifically, the Department of Home Affairs (the Department) has considered how legislation can support a highly qualified and professional industry and ensure the Australian Government can effectively combat misconduct and unlawful operators.

The Review's scope includes the legislative framework relating to the provision of immigration assistance, including:

- Part 3 of the *Migration Act 1958* (the Act)
- *Migration Agents Registration Application Charge Act 1997*
- *Migration Agents Regulations 1998* (the Regulations)
- *Migration Agents Registration Application Charge Regulations 1998*
- *Migration Agents (IMMI 17/047: CPD Activities, Approval of CPD Providers and CPD Provider Standards) Instrument 2017* (CPD Instrument)
- *Migration (IMMI 18/003: Specified courses and exams for registration as a migration agent) Instrument 2018*.

This framework prescribes who can provide immigration assistance, disciplinary actions related to registered migration agents (RMAs), penalties for unlawful immigration assistance, registration criteria for migration agents, and the functions of the Migration Agents Registration Authority.

The Review's scope also requires the Department to provide advice on a range of possible reforms that may have legislative implications, including matters relating to recommendations one to four of the Joint Standing Committee on Migration's 2019 *Report of the inquiry into efficacy of current regulation of Australian migration and education agents*.

The key issues for consideration and potential reform measures examined during the Review have been organised under three themes:

- **A qualified industry:** ensuring individuals have strong qualifications to enter and remain in the migration advice industry.
- **A professional industry:** ensuring that RMAs conduct their businesses ethically with care, skill, integrity and diligence, and maintain proper and current professional knowledge.
- **Combating misconduct and unlawful activity:** reducing the instances of, and responding to, serious misconduct by RMAs and unlawful providers of immigration assistance.

The report reflects that the vast majority of migration agents regularly provide valuable assistance and have never had a complaint against them, while recognising there are valid areas for improvement within the industry's structure and regulation, and in the combat of unethical and illegal assistance.

How you can help

The proposed options for reform are provided for public feedback through the report and summarised in the fact sheets.

It is important to note these options are *proposals only* at this stage of the Review. The insights of the industry and the broader community are an essential part of finalising the report and providing informed advice to Government.

To date, the public has had the opportunity to comment on the short discussion paper, *Creating a World Class Migration Advice Industry* (the discussion paper), which was released in mid-2020 and highlighted key considerations for legislative reform. There have also been three consultation meetings on reform concepts: the first with an ad hoc group of industry experts, and two meetings of the Migration Advice Industry Advisory Group, comprising representatives of a broad cross section of the industry. The report takes this feedback into account.

Feedback is now sought on the proposed options for reform, as discussed in the Review report. Submissions will ideally focus on the potential effectiveness of the measures in strengthening consumer protections while also outlining any other factors that should be considered in determining whether proposals are progressed and, if so, how they are implemented. Submissions can be made on any or all options, noting that many measures are connected, such as supervised practice and a tiering system.

To assist readers in navigating the report, the Department has also published on its website a fact sheet for each chapter, briefly summarising the key issues and the matters on which feedback is being sought.

Submissions can be provided online using the [feedback page](#) by no later than 5pm AEST, 25 June 2021.

Submissions will be published on the Department's website unless the authors request confidentiality.