



Migration Agents Instruments Review

Theme 1 – A Qualified Industry

Review of mandatory qualifications for entry into the migration advice industry

For details, please refer to Chapter 1.1 of the Review Report.

Issue

A person must have obtained a Graduate Diploma in Australian Migration Law and Practice (the Graduate Diploma) and passed the Migration Agents Capstone Assessment (the Capstone) to register as a migration agent with the Office of the Migration Agents Registration Authority (the OMARA).

Introduced in January 2018, these requirements provide a strong basis for the acquisition and assessment of whether a person has a body of knowledge, practical skills and values necessary for effective and ethical practice as an RMA. However, the success rate for the Capstone in each assessment intake has been low. On average, 22 per cent of candidates who have been awarded a Graduate Diploma successfully pass the Capstone.

In addition, the OMARA's arrangement with the provider of the Capstone concluded on 31 December 2020. Procurement of a new service provider is underway. An open tender for the provision of services for the delivery and administration of the Capstone was published on 18 December 2020 and closed on 3 February 2021.

Further change to entry requirements occurred on 22 March 2021, when holders of an Australian unrestricted legal practising certificate (unrestricted lawyers) were removed from the OMARA regulatory scheme, and the Australian legal practising certificate ceased to be a qualification for registration as a migration agent.

Matters for public feedback

We welcome the public's feedback on the following reform option.

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

It may be beneficial to maintain the current entry qualifications pending a comprehensive review in 2023 at the earliest, no less than five years after the introduction of the Graduate Diploma and the Capstone, to enable adequate assessment of the efficacy of the existing requirements.

The first cohort of RMAs that have been subject to the higher knowledge requirements are only in their first year of practice. It would be premature to make further changes to the entry requirements for RMAs before the impact of the higher knowledge requirements on the professional conduct of RMAs has been fully assessed.

Undertaking a review in 2023 would enable analysis of a greater cohort size of RMAs, and a comparison of the scale of complaints against RMAs who were subject to the higher knowledge requirements and those that entered the industry prior to these requirements. It would also provide the opportunity to evaluate the impact of the change of Capstone provider and other potential reforms recommended by this Review, to inform the future qualifications review.