



Migration Agents Instruments Review

Theme 2 - A Professional Industry

Review of registration requirements

For details, please refer to Chapter 2.1 of the Review Report.

Issue

The registration process for migration agents serves as an effective and important screening mechanism to thoroughly vet individuals wanting to provide immigration assistance as a career. It allows the Office of the Migration Agents Registration Authority (the OMARA) to evaluate an applicant's knowledge of the *Migration Act 1958*, *Migration Regulations 1994* and associated legislation, and to establish that they are a fit and proper person to provide immigration assistance, and a person of integrity, before allowing them into the pool of professionals who are registered to assist consumers.

Registration requirements for registered migration agents (RMAs) have been scrutinised by multiple external inquiries to make sure that they are fit for purpose. Most recently, the Joint Standing Committee on Migration's (JSCOM) 2019 *Report of the inquiry into the efficacy of current regulation of Australian migration and education agents* recommended current registration requirements be reviewed to assess their effectiveness.

The Department has considered the requirements that RMAs must satisfy when they register with the OMARA, to assess their effectiveness in the current environment. The Department has identified several options for reform that would improve the efficiency of the registration process and strengthen the powers available to the OMARA to assess and refuse registration applications.

Matters for public feedback

We welcome the public's feedback on the following options for reform.

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

- modelling the fit and proper person requirements on the character test for visa applicants, tailored to the migration advice industry and strengthened to include bankruptcy checks, and spouse and associate details. This would address the rise in serious misconduct within a small cohort of RMAs
- giving the OMARA the power to refuse or cancel an applicant's registration as an RMA, in the event the OMARA becomes aware of an active and substantive criminal investigation into the applicant's conduct. This would help protect vulnerable clients and maintain the integrity of the industry
- updating the OMARA's process of character checks for applicants, to include a strengthened identity verification process and criminal history checks for all applicants at the time of initial and subsequent registration
- removing the 30-day publication requirement currently required before initial registration as an RMA to increase efficiency and reflect modern day assessment practices
- increasing the period of registration from 12 months to 36 months for agents who have not had any substantive complaints or referrals made against them for the five year period immediately before their registration application is assessed. This would recognise 'good behaviour' of RMAs and reduce unnecessary burden on the industry.