



Migration Agents Instruments Review

Theme 2 – A professional industry

Introducing a tiering system

For details, please refer to Chapter 2.4 of the Review Report.

Issue

There are differing levels of complexity of immigration assistance, which can include a range of tasks from filling in a visa application form to advocating on behalf of a client at a tribunal. Currently, a registered migration agent (RMA) can provide immigration assistance of any complexity without oversight on day one of their registration. As noted by the Administrative Appeals Tribunal, 'a higher standard of knowledge, skill and experience could reasonably be expected of practitioners who intend to hold themselves out in the marketplace as capable of providing advice and assistance in the more complex or exceptional cases'. Review of a visa cancellation decision or a decision not to revoke a visa cancellation or a request for Ministerial intervention may be the last chance for a client to remain in Australia; incompetent immigration assistance with these matters would result in dire consequences for the client.

Matters for public feedback

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

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

It may be possible to introduce a tiering system for RMAs to provide better protection for consumers and a supportive framework for professionalisation of the migration advice industry. The tiering system would support RMAs by providing a defined career pathway for new or less experienced agents. A tiering system would also provide guidance for RMAs to offer high quality assistance in more complex fields through targeted training and escalating practical experience. In doing so, a tiering system would increase protection and support for the most vulnerable in Australia's culturally and linguistically diverse community and for those seeking to visit or settle in Australia.

Prior to a tiering system being further progressed or agreed by Government, the Department would collaborate with industry to develop a tiering system model and supporting transitional and implementation arrangements. The system suggested for consideration includes three tiers, each underpinned by qualifications, supervised practice (Chapter 1.3) and/or targeted Continuing Professional Development (Chapter 2.5):

- a first tier for RMAs who provide immigration assistance in relation to applications to the Department and related matters. It would require a 12-month provisional licence during which an RMA would be permitted to provide immigration assistance only under supervision of an experienced RMA or a legal practitioner.
- a second tier for generalist RMAs who provide immigration assistance in relation to applications to the Department and related matters without supervision.
- a third tier for specialist RMAs who provide immigration assistance on applications to tribunals and the Minister, including preparing visa refusal and cancellation review applications, Ministerial intervention requests as well as second tier matters.

Any tiering system would need to occur in alignment with the Australian Government's Deregulation Agenda. Accordingly, the possible three-tiered system would be simple in its design and governance, balancing RMAs' economic outcomes and professional development needs, and the expectations the Australian Government and consumers have for appropriate and professional representation at tribunals, and representations to the Minister.