

Migration Agents Instruments Review

24 June 2021

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I am a Melbourne based Registered Migration Agent (RMA) with about 6 years of experience in the migration law industry as a Registered Migration Agent (RMA). I hold a Bachelor of Business (Cornell -RMIT) and a Graduate Certificate in Migration Law & Practice (ANU). In my previous career I have worked as a Recruitment Consultant in Australia and in various luxury Hospitality Management roles in Australia and Asia. I am a member of the Migration Institute of Australia (MIA), Migration Pro Forum (Facebook) and support the work of our industry bodies.

Making the Migration law advice industry a truly world-class profession in Australia

While there are concerns in some parts of our profession about the new regulation coming into our industry, I am also optimistic about what this might mean for registered migration agents and our profession. Our profession could do with improved regulation for both RMA's and the way the Department operates and way lawyers will not contribute to this area since March 2021 onwards post the de-regulation.

Our ability to earn a professional income is under continual assault from un-registered agents, education agents who give migration advice and are encouraged to do this, offshore agents, electoral office staffers, and the continual messaging from the Department that you do not need a registered migration agent. However, not much has been by the Home Affairs or the OMARA over the years to deal with the un-registered and illegal offshore agents/companies, providing migration law advice to applicants.

This is where the big chunk of the problem actually lies.

Just like Canada and New Zealand have done in the past, Australia must implement the same law, that only an Australian Registered Migration Agent (RMA) or an Unrestricted Solicitor can provide migration law advice and assist with visa applications in Australia or anywhere else in the world!

To be able to provide world class service to each client, Home Affairs should just like New Zealand have done, start to provide RMA's an exclusive telephone line/ communication access to be able to assist on various aspects so that we as RMA's can provide truly worldclass service to each of our clients and make the Case Officers lives in the Home Affairs department much easier, by further ensuring that only high quality and highly organized applications are lodged to the department for processing. This will not only cut down on processing times, it will also promote a much better image of Australian visa program to the world as currently our

processing times of 18 months to 24 months for some skilled, partner visas etc. are “unacceptable” and “not at all world class”.

Law Council of Australia (LCA) overreach

Although I support high entry and qualification standards for new RMA's and believe and I support high English language standards for new RMA's, longer period of formal qualifying study, and a period of pre-registration practical training for new RMA's just like Psychologists and lawyers have to do.

However, the LCA in my view overreached by publishing in March 2021 a “comparison” between an RMA and a lawyer and quite comfortably “concluding” how a lawyer is Superior to an RMA to provide migration law advice. This reflects extremely poorly on the peak body of lawyers - LCA and shows the “agenda” behind their mal-intentions.

Moreover, LCA also published “incorrect information” on their website that an RMA cannot provide advice regarding Tribunal matters (AAT) or regarding citizenship applications – this is wrong and misleading to the whole world. How can this not create a mountain of confusion in the consumers mind and create a negative impact with misinformation in the consumers minds around the world.

Tiering – ‘Divide and Rule strategy’

As Registered Migration Agents (RMA's) we are trained and regulated to do all the migration work.

On the other hand, a lawyer can give immigration advice without any background, experience, or study in migration law areas– how is this going to lead to a world class migration law industry?

What about the disasters that have happened over the years due to lawyers providing ‘incorrect” advice to consumers and the measures taken to deal this issue?

On top of this, the recommendations in this review for Tiering seems to be another strategy by the LCA to “divide and rule the migration law industry” and create a further layer of complexity amongst the migration law advice industry which includes approx. 5000 Registered Migration Agents today!

The fact is that lawyers have been used for engagement in all Court related work and nothing else with regards to migration law until March 2021, unless if they were also a registered migration agent (RMA). The message to the consumers needs to be loud and clear that RMA's handle all the strategic migration advice, visa and other applications, special case submissions, and AAT review work, etc. as their core work and that RMA's are the specialists in this field (and are regulated accordingly). Whereas lawyers are experts at the Court level work (and are regulated accordingly).

The associations that purport to represent RMAs, have somewhat failed here unfortunately. Otherwise, we would not need to write to you. Tiering is the creation of money and removal of competition, whereby that money can be shared. I hereby object to the entire flawed and collusion-wreaking process of anti-competitive behaviour against the RMA's.

Non-registered practice needs to be addressed BEFORE any other changes are implemented

Non-registered practice is the bane of our profession. It cannot be that RMA's and lawyers have cost barriers imposed through the registration requirements when other classes of occupation can give migration advice without being registered in Australia and around the world. This situation impacts on our business models and also opens the door to unscrupulous and / or incompetent operators. Addressing non-registered practice is a core issue for our profession.

I do not accept that a review into the regulation of registered migration agents can exclude the regulation of non-registered practitioners in Australia and around the world.

I call on the Australian Government to put an end to the highly problematic participation of non-registered migration advisers both inside and outside Australia in the advice industry. I call on the Australian Government to enforce the provisions of the Migration Act 1958 in relation to non-registered practitioners by prosecuting non-registered practice including education agents who give Schedule 2 migration advice and all others. I do not give in-principle support to the implementation of any of the measures arising out of this Migration Agents Instruments Review process if these basic professional issues are not addressed.

The real concerns looming on our migration law profession today are that of:

- *the danger of working with non-registered advisers in Australia and overseas;*
- *the lack of specific training for lawyers operating in the migration space (as opposed to our very specific entry and training requirements) and the danger arising through that;*
- *the danger of working with education agents in relation to migration matters;*

Trust the issues raised above will be considered specifically the issue of non-registered practice in Australia & overseas and how it is having a negative impact on our profession, along with the LCA agenda.

Thank you.