



Australian Government

GOVERNMENT RESPONSE TO THE NIXON REVIEW RECOMMENDATIONS

In January 2023, Christine Nixon, AO, APM, was appointed to undertake a **Rapid Review into the Exploitation of Australia's Visa System**. The Review identified significant gaps and weaknesses in Australia's visa system.

The Government response to the Nixon Review will work to address the identified gaps and rebuild the integrity of the visa system. This response will complement work already being progressed by the Australian Government to address migrant worker exploitation, to identify proposals for reform and discrete measures to prevent, deter and sanction individuals who seek to abuse Australia's visa system to exploit vulnerable migrants.

Recommendation	Government response
<p data-bbox="108 936 347 969">Recommendation 1</p> <p data-bbox="108 992 711 1178">The Review recommends Commonwealth funding for Operation INGLENOK continue for a further three years, as an Australian Border Force (ABF) led, multi-agency task force (state and federal levels) with strong investigative capacity.</p>	<p data-bbox="751 936 1378 969">The Government agrees with this recommendation.</p> <p data-bbox="751 999 1461 1375">A new Immigration Compliance Division will be established in the Department of Home Affairs. This new division will create a whole-of-portfolio capability that will protect the integrity of the visa and migration system. The new division will be supported by \$50.0 million over 4 years from 2023–24 (and \$15.3 million per year ongoing) for additional enforcement and compliance activities to maintain the integrity of the migration system. Funding from 2025–26 will be held in the Contingency Reserve, pending an evaluation of the effectiveness of the activities.</p> <p data-bbox="751 1402 1461 1659">As demonstrated by the effectiveness of the ABF led, Operation INGLENOK, the Government recognises the effectiveness of multi-agency operations that enable partner agencies to leverage the resources, strengths and capabilities of participating agencies. The new Immigration Compliance Division will incorporate the functioning of Operation INGLENOK.</p>
<p data-bbox="108 1697 347 1731">Recommendation 2</p> <p data-bbox="108 1753 603 1827">The Review recommends an immigration compliance function is re-prioritised.</p>	<p data-bbox="751 1697 1378 1731">The Government agrees with this recommendation.</p> <p data-bbox="751 1760 1461 2063">The Government is committed, and has announced a package of legislative powers, enforcement tools, a new approach to help people in exploitative workplaces speak up, and a dedicated new Immigration Compliance Division that will be established within the Department of Home Affairs. The new division will be supported by \$50.0 million over 4 years from 2023–24 (and \$15.3 million per year ongoing) for additional enforcement and compliance</p>

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	<p>activities to maintain the integrity of the migration system. Funding from 2025–26 will be held in the Contingency Reserve, pending an evaluation of the effectiveness of the activities.</p>
<p>Recommendation 3</p> <p>Consider further extension of anti-money laundering reforms to include RMAs, education agents, and privately owned VET providers.</p>	<p>The Government notes this recommendation.</p> <p>The Australian Government is committed to protecting the integrity of the Australian financial system and improving Australia's anti-money laundering regime to ensure it is fit-for-purpose.</p> <p>As part of the Albanese Government's commencement of reforms to Australia's anti-money laundering and counter-terrorism financing (AML/CTF) regime, the Government is prioritising the proposed extension of the AML/CTF regime to certain higher-risk professions, including lawyers, accountants, trust and company service providers, real estate agents, and dealers in precious metals and stones (known as tranche-two entities). These professions are particularly vulnerable to exploitation by transnational, serious and organised crime groups and terrorists.</p> <p>The Government will continue to monitor emerging risks, including in the migration sector to ensure Australia's anti-money laundering and counter-terrorism financing regime keeps pace with the evolving threat environment.</p>
<p>Recommendation 4</p> <p>The Review recommends comprehensive background checks be required on initial and repeat RMA applications, and as directed by the Office of the Migration Agents Registration Authority (OMARA).</p>	<p>The Government agrees with this recommendation.</p> <p>The Government is committed to ensuring lawful providers of immigration assistance are persons of integrity and good character. The Fit, Proper and Person of integrity (FPP) assessment framework for RMAs will be strengthened, with a background check component facilitated via AusCheck.</p>
<p>Recommendation 5</p> <p>The Review recommends RMAs should have a positive obligation to ensure their clients understand Australian workplace rights and protections and how to report migrant worker exploitation.</p>	<p>The Government agrees with this recommendation.</p> <p>The Government is committed to protecting workers at risk of exploitation, and recently announced a package of reforms to address temporary migrant worker exploitation. The reforms target employers who seek to exploit temporary visa holders, while also ensuring workers can speak up without fear of reprisal.</p> <p>A positive obligation will be written into the Code of Conduct for RMAs to ensure their clients understand Australian workplace rights and how to report work exploitation, utilising the Continuous Professional Development (CPD) framework to build understanding amongst RMAs regarding the change in onus.</p>

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<p>Recommendation 6</p> <p>The Review recommends a proactive compliance capability within the OMARA be established.</p>	<p>The Government agrees with this recommendation.</p> <p>The Government is committed to strengthening the regulation of lawful providers of immigration assistance, and to improve the OMARA’s ability to detect and respond to unlawful immigration assistance.</p> <p>Uplift of the OMARA’s compliance capability will continue with a further increase to staffing levels.</p>
<p>Recommendation 7</p> <p>The Review recommends investment in building a strong and enduring investigative capability in the OMARA.</p>	<p>The Government agrees with this recommendation.</p> <p>The Government is committed to strengthening the regulation of lawful providers of immigration assistance, and to improve the OMARA’s ability to detect and respond to unlawful immigration assistance.</p> <p>Uplift of the OMARA’s investigative capability will continue with a further increase to staffing levels.</p>
<p>Recommendation 8</p> <p>The Review recommends the compliance and investigative powers of the OMARA be increased to address misconduct by RMAs.</p>	<p>The Government agrees with this recommendation.</p> <p>The Government is committed to strengthening the regulation of lawful providers of immigration assistance, and to improve the OMARA’s ability to detect and respond to unlawful immigration assistance.</p>
<p>Recommendation 9</p> <p>The Review recommends financial penalties for misconduct related to the provision of migration advice be increased.</p>	<p>The Government agrees with this recommendation.</p> <p>The Government is committed to strengthening the regulation of lawful providers of immigration assistance, and to improve the OMARA’s ability to detect and respond to unlawful immigration assistance.</p>
<p>Recommendation 10</p> <p>The Review recommends the requirement to register with the OMARA be extended to offshore migration agents.</p>	<p>The Government notes this recommendation.</p> <p>The Government recognises the importance of ensuring Australian immigration advice is provided by lawful providers of immigration assistance.</p> <p>The Government will undertake further consultation to assess whether implementation of this recommendation is feasible.</p>
<p>Recommendation 11</p> <p>The Review recommends the OMARA’s engagement with migration advice industry associations be reviewed.</p>	<p>The Government agrees with this recommendation.</p> <p>The Government is committed to ensuring the Australian migration advice industry best supports migrants engaging with Australia’s visa system.</p> <p>The OMARA’s engagement with the migration advice industry will be assessed.</p>
<p>Recommendation 12</p>	<p>The Government notes this recommendation.</p>

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<p>The Review recommends a trusted branding exercise be undertaken, so that RMAs are readily identifiable to individuals seeking Australian immigration advice.</p>	<p>The Government recognises the importance of RMAs being clearly and easily identifiable to people seeking Australian immigration advice.</p> <p>The Government will further consider this recommendation in the context of further strengthening the regulation of migration agents.</p>
<p>Recommendation 13</p> <p>The Review recommends consideration be given to regulating onshore and offshore education agents used by Australian education providers.</p>	<p>The Government agrees in-principle with this recommendation.</p> <p>The Minister for Home Affairs will consider expanding the remit of the Office of the Migration Agents Registration Authority (OMARA) to include education agents as providers of visa advice.</p> <p>An expanded OMARA role would be complemented by increased accountability of education providers, without requiring separate regulatory infrastructure in the Department of Education.</p> <p>The Minister for Education will consider how to strengthen provider accountability, boost data sharing activities supporting regulation, and examine the existing legislative framework.</p> <p>This will include action by the Minister for Education in banning commissions paid by providers to education agents for onshore student transfers, and further measures deterring collusive behaviour between providers and agents in exploiting Australia’s education and migration systems.</p> <p>These reforms will be supported by legislative amendments to increase provider access to agent performance data and strengthen provider reporting obligations for the education agents they work with.</p>
<p>Recommendation 14</p> <p>The Review recommends a targeted compliance operation, focussed on assessing high risk private vocational education and training (VET) providers be conducted.</p>	<p>The Government agrees with this recommendation.</p> <p>The Government is committed to ensuring the quality and integrity in Australia’s international education sector and to protecting Australia’s reputation as a provider of quality education and training.</p> <p>The Government is implementing reforms to further build the capability and capacity of the national VET regulator, the Australian Skills Quality Authority (ASQA), to identify and address threats to the integrity of VET and improve student protections. This includes a \$37.8m investment to establish a new Integrity Unit that will enable a compliance blitz of unlawful behaviour, targeting non-genuine providers who may be exploiting international students.</p>

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	<p>These reforms will be supported by an uplift in digital and data systems, to ensure ASQA can identify and respond proactively to risks in the international VET sector and support interagency intelligence and compliance work.</p>
<p>Recommendation 15</p> <p>The Review recommends a targeted data matching activity to compare information holdings across Commonwealth agencies for private VET providers be conducted.</p>	<p>The Government agrees in-principle with this recommendation.</p> <p>The Government is committed to ensuring the quality and integrity in Australia’s international education sector and to protecting Australia’s reputation as a provider of quality education and training.</p> <p>The Government is investing in reforms to support ASQA’s digital and data capability, improving data capture and analysis and supporting data sharing activities between agencies.</p> <p>This will also support the implementation of recommendations 16 and 17.</p>
<p>Recommendation 16</p> <p>The Review recommends education regulators to develop a broader set of systemic risk indicators for CRICOS-registered education providers.</p>	<p>The Government agrees with this recommendation.</p> <p>The Department of Education will work across government agencies and relevant regulators to develop risk indicators as a whole-of-system approach to identifying risk and improving compliance.</p> <p>The Department of Education will work with government agencies and education regulators to share and integrate data holdings to develop evidence-based risk indicators.</p> <p>Risk indicators will be used as the basis of a risk monitoring framework to drive compliance actions by education regulators. The Tertiary Education Quality and Standards Agency (TEQSA) and the Australian Skills Quality Authority (ASQA) will use the risk monitoring framework to target compliance activities to disrupt and deter corruption in the sector.</p> <p>This will include examining the existing legislative and regulatory frameworks.</p>
<p>Recommendation 17</p> <p>The Review recommends education providers’ compliance with reporting non-attendance by international students through PRISMS be closely monitored.</p>	<p>The Government agrees with this recommendation.</p> <p>The Department of Education will work across government agencies and relevant regulators to consider how to enhance compliance with reporting and monitoring non-attendance.</p> <p>This will be considered under the work being progressed under recommendation 16.</p>
<p>Recommendation 18</p>	<p>The Government agrees with this recommendation.</p>

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<p>The Review recommends that should the implementation of recommendations 14 and 15 expose that exploitation of the visa system by non-genuine private VET providers is significant, Australia's student visa policy be reviewed, with a view to removing CRICOS eligibility for high risk providers and courses.</p>	<p>The Minister for Home Affairs has the power to issue suspension certificates to education providers and the Department of Home Affairs has commenced consultation on possible regulations to set clear grounds for the use of suspension certificates.</p>
<p>Recommendation 19</p> <p>The Review recommends undertaking a broader review of Australia's working visas if it is considered Australia's studying and training visas are being used to support a need for low skilled workers.</p>	<p>The Government agrees with this recommendation.</p> <p>The Government is committed to building a new migration system, to ensure Australia has the skills we need to enhance our economic prosperity and security.</p> <p>The Government has been consulting state and territory governments and key stakeholders – unions, business groups, and civil society – on the outline of the Migration Strategy released in April 2023. The Government plans to release the final Migration Strategy later in 2023.</p>
<p>Recommendation 20</p> <p>The Review recommends a prohibition for temporary migrants working in all roles in the sex industry, including business owner/operators be implemented.</p>	<p>The Government disagrees with this recommendation.</p> <p>Australia promotes and protects human rights at home and abroad. The Government considers this recommendation may not accord with Australia's obligations under Article 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Those who work in the sex industry, like any other workers, deserve respect and a safe work environment. The Government is committed to protecting workers at risk of exploitation, and recently announced a package of measures that targets employers who seek to exploit temporary visa holders and to ensure workers can speak up without fear of reprisal.</p> <p>Due to the stigma, discrimination and social marginalisation associated with sex work, victim-survivors in the industry can face significant barriers in reporting, accessing services and getting justice if they experience violence or exploitation. Prohibition of temporary migrant participation in this industry may perpetuate these barriers and prevent victim-survivors from accessing the appropriate support and formal labour protections.</p>
<p>Recommendation 21</p> <p>The Review recommends a strong penalty regime for any Australian citizen or permanent resident found to employ or hire temporary migrant workers in the sex industry be introduced.</p>	<p>The Government disagrees with this recommendation.</p> <p>Australia promotes and protects human rights at home and abroad. The Government considers this recommendation may not accord with Australia's obligations under Article 6 of the ICESCR.</p> <p>Sex workers, like any other workers, deserve respect and a safe work environment. Due to the stigma associated with sex work, victim-survivors in the industry can face</p>

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	<p>significant barriers in reporting, accessing services and getting justice if they experience violence or exploitation.</p> <p>Prohibition of temporary migrant participation in this industry may exacerbate these barriers and prevent victim-survivors from accessing the appropriate support.</p>
<p>Recommendation 22</p> <p>The Review recommends a public stand-down list for Australian citizen or permanent resident employers found to breach the <i>Migration Act 1958</i> be implemented.</p>	<p>The Government agrees with this recommendation.</p> <p>The Government is committed to protecting workers at risk of exploitation. Legislation has been introduced to parliament in Winter 2023 to create a new prohibition power, including a public stand-down list, to prohibit employers engaged in non-compliance, particularly deliberate, serious and/or repeated non-compliance from employing additional temporary migrant workers.</p>
<p>Recommendation 23</p> <p>The Review recommends powers to enable visa cancellation where a visa holder is found to be exploiting temporary migrants be strengthened.</p>	<p>The Government agrees with this recommendation.</p> <p>The Government is committed to protecting workers at risk of exploitation, and recently announced reforms which target employers who seek to exploit temporary visa holders, while also ensuring that workers can speak up without fear of reprisal.</p> <p>The Government will further consider this recommendation including examination of existing powers under the cancellation framework.</p>
<p>Recommendation 24</p> <p>The Review recommends the initial focus of the immigration compliance function (see recommendation 2) be to monitor:</p> <ul style="list-style-type: none"> • temporary visa holders working in the sex industry, and • the exploitation of temporary migrant workers across all industries. 	<p>The Government agrees in-part with this recommendation.</p> <p>The Government is committed to protecting workers at risk of exploitation, and recently announced reforms which target employers who seek to exploit temporary visa holders, while also ensuring that workers can speak up without fear of reprisal.</p> <p>Legislation has been introduced to parliament in Winter 2023 to increase penalties and introduce new compliance tools to deter exploitation. Tripartite work is underway by industry, unions, Government and civil society to design safeguards and protections for temporary migrant workers.</p> <p>The Government does not agree with a focus on temporary visa holders working in the sex industry – please refer to the Government response to recommendation 20 and 21, the Government considers these recommendations may not accord with Australia’s obligations under Article 6 of the ICESCR.</p>
<p>Recommendation 25</p>	<p>The Government agrees with this recommendation.</p>

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<p>The Review recommends the offshore biometrics collection program rollout in selected countries be prioritised.</p>	<p>The Government recognises that increasing confidence in the identity of visa holders travelling to Australia is essential, and is committed to expanding the collection of biometrics in a way that supports the efficient and accurate processing of high volumes of visa applications.</p> <p>Strengthened collection and reuse of biometric information is a critical underpinning for anchoring applicant identity early in the visa process, and contributes to streamlined collection of client information (i.e. the ‘tell us once’ principle).</p>
<p>Recommendation 26</p> <p>The Review recommends the capability to conduct stratified random fingerprint capture and matching at the border be increased.</p>	<p>The Government notes this recommendation.</p> <p>The Government recognises that increasing confidence in the identity of visa holders travelling to Australia is essential, and is committed to expanding the collection of biometrics in a way that supports the efficient and accurate processing of high volumes of visa applications.</p> <p>The Government will further consider this recommendation in the context of work underway to strengthen collection and reuse of biometric information.</p>
<p>Recommendation 27</p> <p>The Review recommends biographic data be verified with international partners for higher risk nationalities and visa streams not currently captured by the offshore biometrics collection program.</p>	<p>The Government agrees in-principle with this recommendation.</p> <p>The Government recognises that trusting the identity of visa holders travelling to Australia is essential, and will continue to work with international partners to increase biometric matching.</p>
<p>Recommendation 28</p> <p>The Review recommends identity verification requirements in key immigration systems be strengthened.</p>	<p>The Government notes this recommendation.</p> <p>The Government recognises the importance of online security in today’s digital economy.</p> <p>The Government will further consider this recommendation in the context of future Information and Communication Technology enhancements.</p>
<p>Recommendation 29</p> <p>The Review recommends a requirement for applications for protection visa subclass 866 to be made through a lawful provider of immigration assistance.</p>	<p>The Government notes this recommendation.</p> <p>The Government is committed to supporting people who engage Australia’s protection obligations and ensuring a robust, efficient and effective protection system, while continuing to respect the right of people to choose their own legal representation.</p> <p>The Government will further consider this recommendation to ensure Australia’s protection system is not misused for those in most need of protection.</p>

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<p>Recommendation 30</p> <p>The Review recommends regulating the fee a lawful provider of immigration assistance can charge to lodge an onshore protection visa subclass 866.</p>	<p>The Government notes this recommendation.</p> <p>The Government is committed to supporting people who engage Australia’s protection obligations and ensuring a robust, efficient and effective protection system, while continuing to respect the right of people to choose their own legal representation.</p> <p>The Government will further consider this recommendation to ensure Australia’s protection system is not misused for those in most need of protection.</p>
<p>Recommendation 31</p> <p>The Review recommends undertaking a review of the Canadian approach to refugee claims processing, particularly the ineligibility assessment process, to determine whether there may be benefit in adopting this approach in Australia.</p>	<p>The Government agrees with this recommendation.</p> <p>The Government recognises the benefits and effectiveness of considering overseas approaches that may be applicable in the Australia context. Work will commence to assess and consider other countries’ approach to refugee claims processing in ensuring our system works as efficiently and effectively as possible.</p>
<p>Recommendation 32</p> <p>The Review recommends that for visit / tourism and study streams, merits review should be conducted ‘on the papers’ without a hearing, within a set period of time, and that new information should only be considered in exceptional circumstances.</p>	<p>The Government notes this recommendation.</p> <p>The Government is considering a range of tools that could be provided to the federal administrative review body that will replace the Administrative Appeals Tribunal (AAT) to allow the new body to review matters more quickly where appropriate.</p>
<p>Recommendation 33</p> <p>The Review recommends improved efficiency be a key focus in the establishment of the new federal administrative review body.</p>	<p>The Government agrees with this recommendation.</p> <p>The Government is committed to the delivery of a new, trusted federal administrative review body that serves the interests of the Australian community. Efficiency is a guiding principle of those reforms.</p>
<p>Recommendation 34</p> <p>The Review recommends proactive integrity detection programs to identify staff involved in corruption, fraud, inappropriate behaviours, and other unlawful and serious criminal activities be increased.</p>	<p>The Government agrees with this recommendation.</p> <p>The Government recognises the important role of Integrity and Professional Standards Frameworks in preventing risks presented by staff corruption, fraud and other unlawful activities, and is committed to ensuring the Department of Home Affairs has appropriate integrity detection programs in place.</p> <p>The Government has delivered on its commitment to establish a National Anti-Corruption Commission, which commenced operations on 1 July 2023. The Commission has jurisdiction to investigate serious or systemic corrupt conduct involving Commonwealth public officials and will</p>

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	<p>also provide education and information in relation to corrupt conduct and preventing that conduct.</p> <p>The Government will also update the Commonwealth Fraud Control Framework in 2024. The updated framework will require Commonwealth entities to take steps to prevent, detect and respond to corrupt conduct. These amendments complement the function of the National Anti-Corruption Commission and are part of a suite of reforms to improve the standards of integrity across the public sector.</p>