



RMA Voice Inc
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Email: rmaactiongroup@gmail.com

RMA VOICE INC.

The RMA Voice Inc. was established by registered migration agents in response to the recent deregulation of the migration advice industry and the proposed changes in the discussion paper Creating a World Class Migration Advice Industry.

All professions do undergo periodical review for improvement, and we welcome such reviews, but in this instance the Minister has failed to provide demonstrable evidence upon which he purports to base his concern for a major surgical reformation. We do not accept the concerns expressed by the Law Council of Australia (LCA) as they had adopted a self-centred superiority simply because they are lawyers.

Migration Advisory service is more than the understanding and application of a coded set of laws, set in non-adversarial plain English language for the delivery of migration and residence visa services for multi-ethnic, multi-cultural applicants drawn across the globe.

Through this representation, the RMA Voice Inc. effectively reflects the view of a very large section of the RMAs.

EXECUTIVE SUMMARY

1. The RMA Voice Inc. is extremely critical of the timing of this submission. The current impact of Covid-19 on businesses and employees has really shown that people are trying to make ends meet and to safeguard their livelihood. On top of this we now must make submissions to defend our livelihood. The RMA Voice Inc. considers this timing with short notice of 4 weeks ill-considered and call for further consultation over an extended period, preferably on a later date when the pandemic crisis is eased.
2. The RMA Voice Inc. believes that the requirement of this submission stems out of the 2018 LCA (Law Council of Australia) submission where the LCA has demanded restrictions on Registered Migration Agents. This review covers the migration advice industry and as such it should include **all stakeholders** who provide migration advise.
3. The RMA Voice Inc. however, welcomes the opportunity to provide a submission on creating a world class migration advice industry. We do, however, emphasise that other organisations such as Migration Alliance or Migration Institute of Australia do not reflect our views.
4. Regulation of the migration advice industry was introduced in 1992 to ensure a

standard of best practice and protect consumers from unqualified and unscrupulous operators. Since then the industry has evolved and professionalised itself with post graduate tertiary qualifications, code of conduct and ethical standards as well as continuing professional development and has become a recognised regulated profession.

5. The RMA Voice Inc. believes over the 30 years the profession has drawn from a wide range of agents, non-law graduates and lawyers, with a variety of background, qualifications, and life experiences that has grown into an excellent crop of agents there can be. The Department has now and then commented on the excellent quality of services provided by the agents.
6. The RMA Voice Inc. therefore supports strong and effective regulation of the migration advice sector to maintain the integrity of the migration system and to protect the interests of users of migration agent services.
7. RMA Voice Inc. is concerned that the recent passing of the Migration Amendment (Regulation of Migration Agents) Bill will result in a poorer quality of advice and services to consumers. This legislative change permits lawyers outside of the profession to provide migration advice without having undertaken migration related studies as either part of their law degree or their continuing education programme.
8. The Australian Qualification Framework (AQF) is to ensure national recognition and consistency as well as common understanding across Australia of what defines each qualification. According to AQF the levels are:
 - Level 5 – Diploma
 - Level 6 – Advance Diploma, Associate Degree
 - Level 7 – Bachelor Degree.
 - Level 8 – Bachelor Honours Degree, Graduate Certificate, Graduate Diploma.
 - Level 9 – Masters Degree.
9. The current requirement for registration as a migration adviser is the completion of a Graduate Diploma in Migration Law and Practice which is **AQF level 8**.
10. The graduate diploma in migration is quite an extensive and expensive course. It is expected that by the time students finish this course that they are able to provide sound migration advice. It should also be recognised that anyone undergoing this and other courses offered in migration law would have a substantial advantage over anyone who had not undertaken specific migration law studies.
11. Undertaking a law degree should not automatically qualify a person to provide migration advice because of the complexity and fluidity of migration law.
12. Registration of ALL migration advice providers ensured that a consistent standard of knowledge was met upon entry into the profession. Deregulation of migration services removes lawyers from the register of the migration advice profession. This operates against Creating a World Class Migration Advice Industry when potentially 70,000 lawyers can provide migration advice without having requirements to meet any migration advice industry professional or educational standards. The industry has been divided and while this remains it can no longer meet the Australian Qualifications Framework and best practice standards.

13. Australia's Migration program is an ever changing and complex area. No other profession is fit to provide complex and sound migration advice to clients and the community other than registered migration agents who have undertaken extensive migration law studies and have developed considerable experience.

Scope

14. The RMA Voice Inc. offers the following observations and recommendations under the three themes which covers the Migration Industry, namely, the areas of Immigration including Citizenship as well as AAT representation.

Theme 1: A Qualified Industry

15. The RMA Voice Inc. strongly believes that a qualified Industry is one where all the stakeholders have the same minimum level of qualification.
16. Stakeholders in the migration industry does not limit to immigration advisers (registered migration agents and immigration lawyers) but includes the migration decision makers as well.
17. The RMA Voice Inc. supports minimum qualification which is **non-discriminate** to any one stakeholder group and does not give a potential for business monopoly to a stakeholder or stakeholder group.
18. The Graduate Certificate in Migration Law and Practice which was a minimum requirement has now been replaced with Graduate Diploma in Australian Migration Law and Practice since 1 January 2018 as the mandatory educational prerequisite for initial registration as a migration agent. This should be the standard going forward and entry into the migration industry should be based on this **minimum qualification**.
19. Further to this a Capstone Assessment which is administered by the College of Law has been introduced as a mandatory (competency) prerequisite to migration agents **only**. This is **discrimination** to say the least. If this is to be a prerequisite, then it should apply to all stakeholders not only to Registered Migration Agents.
20. The capstone exam has an extremely high failure rate which is an exhibition of the setting of an unrealistic standard for an **entry level applicant**.
21. The RMA Voice Inc. strongly supports **abolition** of the capstone assessment system.
22. **An industry cannot be regarded as a qualified industry when the stakeholders do not meet the required minimum level of qualification.**
23. The RMA Voice Inc. supports minimum level of qualification as well as 12 months of mentoring after qualification for all new entrants. All practising agents of over 2 years' experience should be deemed to be fully qualified to provide migration service at all level.
24. These provide a stronger basis for the assessment of whether a new entrant has a body of knowledge, practical skills and values necessary for effective and ethical practise as an immigration adviser.

25. Where a practitioner belongs to an organisation, atleast one of the directors / partners must be a qualified migration adviser.

Recommendation 1

That for the migration advice industry to be world class, all new entrants must have the same minimum level of qualification. All practising agents with over 2 years' experience is deemed to have adequate level of qualifications to be an agent

Theme 2: A Professional Industry

26. Like every other profession, continuing professional development (CPD) is essential to immigration advisers as it ensures the level of professionalism, knowledge and skill required in this industry.

27. The CPD providers must meet the above minimum qualification level.

28. It is essential that training which is currently provided to the department officers also form part of the CPD for the advisers as well.

29. No profession has tiering or demerit system, not even LCA. The RMA Voice Inc. strongly **opposes** such a move to tiering or demerit system. Organisations which are proposing the tiering system is only doing so for their own financial gains so that they can provide CPDs at different levels.

30. The RMA Voice Inc. also **opposes** the setup of a fidelity fund. All RMAs are required to have professional indemnity insurance as part of registration and that should suffice. The current insurance level that is required is \$ 250,000 and that should remain the same.

31. For migration advise industry to be a professional industry, all the stakeholders must be able to openly discuss issues related to the industry. We cannot have decision makers hiding behind a position number and not be able to explain their decisions.

32. No profession goes about publishing their fee structure for the services. The fee structure should not be published as it does not reflect the level of experience and the level of services a practitioner provides. Practitioners base their fees on experience, availability and other services that they provide to their clients. This could be seen where a practitioner provides services on weekend or after hours for their clients. In this instance, fees are not comparable to services provided by different practitioners.

Recommendation 2

That immigration advisers undertake required CPD's per year and such CPD's are provided by those who meet the minimum qualification level to enter the industry. Departmental training programme for officers to form part of the CPD as well.

Theme 3: Combatting misconduct and unlawful activity

33. The RMA Voice Inc. does not believe that penalties are a deterrent for unregistered migration advisers.
34. The best and only approach should be to not allow unregistered migration advisers to access the Departments System. Technology is so advance these days and it should be used to protect the integrity of the migration industry.
35. Unlike other bodies such as Taxation Practitioners Board, OMARA is seen to be in existence to purely sanction professionals. There is often no communication between the OMARA and the agent during the entire period of registration. Migration agents receive little benefit from OMARA after paying their considerable annual registration fees, which currently stands at \$1595 for commercial agents.
36. OMARA should have regular communication with migration professionals rather than just getting registration fees and only communicating when there is a breach of the code of conduct.
37. The RMA Voice Inc. believes that OMARA should provide free CPD's for any legislation changes including mandatory modules.
38. LegendCom should either be free or non-mandatory so that Immigration advisers can choose alternate professional library.
39. Requests by registered migration agents to reduce fees due to the massive impact of Covid-19 on their livelihood were met with OMARA emphasising the legislative provisions and consequences of not renewing.
40. The RMA Voice Inc. believes that OMARA should be made up of RMA's and that OMARA becomes independent statutory authority under the Attorney Generals Department with clear operational criteria to regulate the migration advice industry.
41. The RMA Voice Inc. does not support any more authority to be given to OMARA for disciplinary actions as it already has enough powers.
42. The RMA Voice Inc. does not believe that there should be more red tape in this industry.

Recommendation 3

The Migration advise Industry is already substantially regulated by OMARA. We believe that OMARA be independent and be made up of RMA's as well. There must be a close working relationship between OMARA and advisers.

CONCLUSION

The RMA Voice Inc. concludes that:

For any changes to be made to the migration industry, it must be done by following proper process and procedures. All stakeholders (not just MA and MIA) must be consulted and a work group of stakeholders must be formed to research and discuss all the options before agreeing on a final proposal. Until that occurs, no changes are to be implemented as that could discriminate against some stakeholder groups.

For the migration advice industry to be world class, all new entrants must have the same minimum level of qualification. All practising agents with over 3 years' experience is deemed to have adequate level of qualifications to be an agent

Immigration advisers undertake required CPD's per year and such CPD's are provided by those who meet the minimum qualification level to enter the industry. Departmental training programme for officers to form part of the CPD as well.

The Migration advise Industry is already overregulated by OMARA. We believe that OMARA be independent, made up of RMA's and Community Groups. There must be a close working relationship between OMARA and advisers.

The Migration Amendment (Regulation of Migration Agents) Bill be repealed.

The body assessing RMA candidates for entry to the profession should only consist of experienced RMAs.

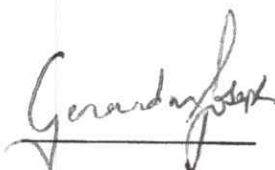
The OMARA becomes independent statutory authority under the Attorney Generals Department with clear operational criteria to regulate the migration advice industry.

For and on behalf of RMA Voice Inc.



Mukesh Chand

26/7/20



Gerard Joseph