

**HOME AFFAIRS PORTFOLIO
DEPARTMENT OF HOME AFFAIRS**

PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Joint Committee of Public Accounts and Audit

Inquiry into the administration of Commonwealth regulations

22 November 2024

QoN Number: 2

Subject: Monitoring Migration Agents facilitating illegal workers

Asked by: Linda Reynolds

Question:

Senator Reynolds: If you've got the AFP and Border Force engaged in a raid on a farm for example, and there's a large number of illegal workers there who have their passports taken away but they may well have a legitimate type of visa. So is that the sort of circumstance that they would then refer to OMARA to see whether for example the same Migration Agent had done all of their visas or advised on all of them?

Michael Willard: That sort of information would be the Department's compliance network and immigration integrity network would hold that sort of information around which particular agent was declared in a particular application and again where there's patterns that –

Senator Reynolds: Would you mind taking, perhaps from Home Affairs' perspective and also OMARA's perspective, [I'd] be interested to see how that works and how many referrals you've had for that sort of irregular behaviour that you've found through analysis and how many you may have pursued?

Michael Willard: Sure

Emily Winch: Yes

Answer:

Under the Migration Act, OMARA is responsible for conducting administrative investigations in relation to the provision of immigration assistance by registered migration agents (RMAs) and taking disciplinary action against RMAs or former RMAs when appropriate.

Where it is alleged that an RMA or former RMA may have failed to comply with their obligations under the Code of Conduct for Registered Migration Agents and/or may not be fit and proper or persons of integrity, those allegations are referred to the OMARA. Referrals can be received from many avenues including directly from complainants, visa applicants, different line areas within the Department, the Australian Border Force (ABF) and external agencies.

Between 1 July 2023 and 30 June 2024, the OMARA received a total of 361 complaints:

- Direct from complainant – 294
- Departmental referral including OMARA own motion complaint – 50
- External agency – 9
- Other – 8

Between 1 July 2023 and 30 June 2024, the OMARA finalised 343 complaints:

- Resulted in sanction decision – 15 (against 10 RMAs or former RMAs)
- Resulted in suspected breach notice issued – 30
- Addressed directly with agent – 39
- No breach finding – 14
- Dismissed* – 245

* Complaints are dismissed for a number of reasons including: the substance of a complaint is outside of OMARA's jurisdiction (such as a complaint against a legal practitioner); insufficient evidence to make a breach finding; no merit to the complaint; or withdrawal of the complaint.

The Australian Border Force (ABF) within the Department of Home Affairs is responsible for investigating allegations of suspected criminal conduct under the *Migration Act 1958* (Migration Act).

Between 1 July 2023 and 30 June 2024, ABF Investigations received a total of 52 Migration Act offence referrals from different line areas within the Department, the ABF and external agencies.