

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Date: 28/08/2016

Re: SUBMISSION SUPPORTING LEGAL PRACTITIONERS HAVING THE *OPTION* FOR DUAL REGISTRATION

Dear Sir/Madam,

I refer to the *Migration Amendment (Regulation of Migration Agents) Bill 2017 (Bill)* and in particular the sections which, if enacted, would prohibit legal practitioners from registering, or retaining their registration, as RMAs.

I have been a Migration Agent since January 2008 and have my small business with my clientele and employees. I decided to study law degree to become a Lawyer to expand my business and provide additional services to my client such as taking cases to the court. I am in the last year of my studies and will finish my degree next year.

The Bill if enacted would have serious detriment to RMAs with similar situations as mine. I will finish my law degree next year just after the bill has been enacted and will hold a restricted practising certificate.

Following the commencement of the legislation, I will cease to be a registered migration agent if I choose to apply for practising certificate, or will need not to register for the practising certificate and maintain my status as a registered migration agent. The bill would effectively punishes me for studying hard to obtain a law degree in order to provide clients with additional services.

If I decide to apply for practising certificate, I would not be able to set up my own law firm while on a restricted practising certificate, I would no longer be able to provide immigration assistance through my own migration agency.

Consequently, I would be forced to hand over my clients to someone else's law firm for the above reasons and hope that that law firm would employ me and not dismiss me shortly after. The clients would be severely impacted by that transfer.

This change gives Graduate Legal Practitioner RMAs such as myself limited choices: either they give up their businesses and clients or they give up their law practising certificates. It is hardly a reasonable choice to force upon someone with no transition arrangements and no appeal available.

Further, we could suffer a significant income reduction, as we would need to either give up clients or split our fees with a law firm. We might not be able to find employment at a law firm and would suddenly lose our single source of income. The only “alternative” would be for us to simply give up our legal practising certificate. That would be harsh and grossly unfair, as we have studied for years to obtain our Law Degrees and restricted practising certificates. Our law degrees should allow us to provide more and better services to our clients, not require us to offer up our clients as an incentive to a supervising law firm who can then do what they wish with the clients.

Additionally, we would lose a valuable “asset”, namely a MARN indicating I have been giving immigration assistance for many years.

If it was not for the bill, I could well choose to engage in supervised legal practice while at the same time (i.e. evenings, lunch time and weekends) work for established clients in order to maintain the current level of income.

Also, one of the main income from Migration Agencies are overseas applicants who would like to migrate to Australia. At the moment MARA is the main portal that overseas clients find registered migration agents. If the lawyers cannot register with MARA, how can people find them?

The bill could give lawyer RMAs the option to keep their RMA registration indefinitely, or at least the option to keep it for a period of 3 or 4 years (the transition period) after the bill has been enacted and come into effect. If a transition period is adopted, lawyers in the similar situation like mine could set up their own law firms during that period and take existing clients with them to that law firm and there would be no disruption to clients nor lawyers and their families.

I humbly request the Committee to amend the relevant sections of the Bill to remove the prohibition and ensure that legal practitioners have the *option* (but are not *required*) to register, or retain their registration, as RMAs in order to provide immigration assistance or the introduction of transitional period for RMAs who have obtained their conditional practising certificate.

I am looking forward to your favourable decision on this matter.

Sincerely yours

Leila Reypour