



Victorian
Immigration Solicitors'
Alliance
PTY LTD

26 December 2019

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

Phone: +61 2 6277 3560
Fax: +61 2 6277 5794
legcon.sen@aph.gov.au

5/1 Elizabeth Street
Melbourne VIC 3000

PO Box 159, Flinders Lane
Vic. 8009 Australia

ACN 635 646 490

To Committee Secretary.

Re: Migration Amendment (Regulation of Migration Agents) Bill 2019 and Migration Agents
Registration Application Charge Amendment (Rates of Charge) Bill 2019

VISA (The Victorian Immigration Solicitors' Alliance (Pty Ltd) is a professional alliance of Australian Immigration Solicitors & Barristers, "Migration Lawyers" and Legal and Associated Practitioners dedicated to advocacy, community awareness and continuing professional development of Australian Immigration Law.

We are a community of Migration, Legal and Ancillary Professionals who share a common set of goals; including the fostering of a greater appreciation within the wider society and Government of the valuable role that Legal Practitioners: Solicitors, Barristers – "Immigration Lawyers", more than any other group, bring to the administration of justice, the rule of law as it relates to the Australian Migration System.



VISA: The Victorian Immigration Solicitors' Alliance (Pty Ltd) welcomes the opportunity to make this submission to the Senate Legal and Constitutional Affairs Committee.

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A powerful motivation and central purpose behind the formation of VISA: The Victorian Immigration Solicitors' Alliance (Pty Ltd) is the notion that the provision of legal support is essential for the rule of law and to ensure that Australian Courts and Tribunals make the correct determination in migration and refugee matters.

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VISA: The Victorian Immigration Solicitors' Alliance (Pty Ltd) understands that without sound legal advice, there are concerns that people seeking asylum, refugees and migrants will not be able to adequately express their claims or fight their cases. This is clearly not only detrimental to the applicant but may also pose a risk to the entire Australian legal process.

VISA: The Victorian Immigration Solicitors' Alliance (Pty Ltd) strongly supports removing dual regulation of lawyers when practising migration law. VISA: The Victorian Immigration Solicitors' Alliance (Pty Ltd) has consistently advocated against dual regulation of the legal profession and views this as an unnecessary and costly regulatory burden for legal practitioners, and a source of confusion and uncertainty for their clients.

VISA: The Victorian Immigration Solicitors' Alliance (Pty Ltd) further believes that "Lawyers" are already tightly regulated: they are required to maintain registration and uphold their ethical duties under their own state-based legal profession regulatory framework. VISA: The Victorian Immigration Solicitors' Alliance (Pty Ltd) believes this system is sufficient to ensure lawyers provide sound advice and adhere to their ethical obligations. Indeed, VISA: The Victorian Immigration Solicitors' Alliance (Pty Ltd) agrees with The Refugee Council of Australia (RCOA) in saying the legal profession regulatory framework in some ways provides more comprehensive requirements for lawyers than the Migration Agent's Code of Conduct. Further, the complaints mechanism within each state-based legal profession is also sufficient to provide a satisfactory process in which to make complaints against lawyers. Likewise, the legal professions complaint's mechanism can often be a more rigorous process for people to have their complaints remedied.

Consequently VISA: The Victorian Immigration Solicitors' Alliance (Pty Ltd) recommends these Bills should be passed.



Who is VISA: The Victorian Immigration Solicitors' Alliance (Pty Ltd) and what do we seek? VISA: The Victorian Immigration Solicitors' Alliance (Pty Ltd) wishes to:

a) Promote the leadership role of Immigration Solicitors/Lawyers in the ongoing development of a more ethical and competent migration advice profession in Australia -to end so called "dual regulation";

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b) Foster the continuing education and professional development of Members;

c) Contribute to increased levels of professionalism, including increasing the level of knowledge and understanding of migration law and practice in the migration advice profession;

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d) Provide a forum for liaison with governments, government agencies, the media, industry, business and other organisations;

e) Provide a medium by which members can effectively communicate with each other;

f) Undertake research relevant to the field of migration including the posting of relevant papers.

Regards

Anthony Robinson
BA. LLB. GCLP. LLM F.VISA
Managing Director
Barrister & Solicitor
Master of Migration Law
Fellow of the Victorian
Immigration Solicitors' Alliance.
(PTY LTD)