

24 April 2018

Committee Secretary
Joint Standing Committee on Migration
PO BOX 6021
Parliament House
Canberra ACT 2600

Dear Committee,

Global Mobility Immigration Lawyers welcomes this opportunity to contribute to the Joint Standing Committee on Migration's inquiry into the efficacy of current regulation of Australian migration agents.

We have set out below an inexhaustive list of reforms for the Committee's consideration. However, it should be emphasised that, while we favour these reforms being applied to new migration agents, **it would be neither realistic nor fair to impose all such requirements on existing migration agents.** We ask the Committee to consider these two cohorts separately, and apply the suggested reforms as appropriate.

Entry Qualifications

In our view, the qualifications required for registration as a migration agent should be brought into line with the Australian and New Zealand Standard Classification of Occupations (ANZSCO), namely a bachelor degree or higher qualification.¹ Arguably it might be said that one could meet that definition with a bachelor degree in a completely unrelated field, but that is not an especially helpful interpretation of the standard required for competence in a role of great responsibility.

While the introduction of the Graduate Diploma in Migration Law falls short of a bachelor degree, Global Mobility Immigration Lawyers supports its implementation as a step in the right direction. Similarly, we support the implementation of a compulsory Capstone Examination for all new registrants.

Supervised Practice

Migration agents bear an immense responsibility in respect of their clients. Notwithstanding the distinctions in the Migration Act between "immigration assistance"² and "immigration legal assistance",³ the quasi-legal nature of immigration agents' work requires them to interpret and apply laws that have far-reaching effects on the lives of their clients, and whose consequences are no less significant than those for clients of legal practitioners.

¹<http://www.abs.gov.au/ausstats/abs@.nsf/0/65FCA6B3497CE7E2CA2575DF002DA5DC?opendocument?open&document>

² s276

³ s277

As a matter of consumer protection in relation to one of the community's most vulnerable groups, Global Mobility Immigration Lawyers supports the implementation of periods of supervised training/practice, along similar lines to those required for legal practice, in particular:

- a. a period of supervised training as a pre-requisite for registration; and
- b. a minimum period of supervised practice prior to operating as a principle immigration agent or as a sole trader.

English Proficiency

As alluded to above, migration agents are often called on to interpret and apply laws that have far-reaching effects on the lives of their clients. They must also explain these laws to their clients, and advocate on their behalf in English. This being the case, Global Mobility Immigration Lawyers supports an increase in the English language requirements for migration agents, comparable to those required of foreign lawyers by the Legal Admissions Board: IELTS 8.0 for writing, 7.5 for speaking, 7.0 for reading and 7.0 for listening.⁴

Summary

Global Mobility Immigration Lawyers acknowledges and applauds the development of the immigration agent industry into an esteemed profession, and believes that it should be regulated accordingly. While the Committee should turn its mind to regulation of migration agents as a whole, this submission has confined itself to reform at the initial registration stage. Such reform should elevate the standard of the industry by requiring levels of study, supervision and English commensurate with the responsibilities held by migration agents.

We thank the Joint Standing Committee on Migration for its consideration, and remain at its service in relation to this Inquiry.

Your faithfully

[sent electronically without signature]

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