

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES – 26 – 27 MAY 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE14/167) PROGRAMME – Internal Product

Senator Carr (Written) asked:

How do migration agents registered with MARA maintain their registration?

For what reasons might registration be revoked?

How are registered migration agents monitored?

Answer:

Applicants for repeat registration are required to meet the following requirements to be eligible for repeat registration:

- be a fit and proper person to give immigration assistance
- be a person of integrity
- hold the specified professional library
- complete the approved application form and pay the required fee for the registration type
- Citizenship/Residency – Australian Citizen; Australian Permanent Resident or New Zealand Citizen holding a special category visa (subclass444)
- not be related by employment to someone who is not a person of integrity
- complete the specified continuing professional development requirement

A migration agent's registration might be revoked, by way of refusing a repeat registration application or cancelling their registration, for a number of reasons:

- not a fit and proper person to give immigration assistance. Relevant factors include the extent of the agent's knowledge of migration procedure, any relevant conviction for criminal offences, any criminal proceedings the agent is subject to, any inquiry or investigation the agent is subject to, any disciplinary action that is being taken or has been taken, any bankruptcy (present or past), and any other matters relevant to the agent's fitness to give immigration assistance;
- not a person of integrity;
- related by employment to an individual who is not a person of integrity and, in the case of a repeat registration application, the agent should not be registered because of that relationship;
- the agent's application for registration was known by the agent to be false or misleading in a material particular; or
- the agent has not complied with the Code of Conduct for registered migration agents, prescribed under the *Migration Act 1958*.

The Authority monitors the conduct of registered migration agents through a range of activities including:

- examination of data and documents;
- desk audits of files; and
- site visits.