

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 19 OCTOBER 2010

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(182) Program 1.1: Visa and Migration

Senator Cash asked:

What procedures are in place to ensure that overseas migration agents are aware of and comply with the regulatory regime in Australia?

Answer:

Australia does not regulate the activities of migration agents who operate outside Australia as the statutory regulation of the industry in Australia is underpinned by criminal sanctions which do not have extra-territorial effect. It is the responsibility of countries within which migration agents operate and/or these countries' professional associations of migration agents to regulate the industry.

While it is not required for a migration agent operating outside of Australia to be registered with the Office of the Migration Agents Registration Authority (MARA), a number of eligible migration agents who do operate outside of Australia voluntarily register with the Office of the MARA. This can be for a number of reasons including because they perceive a competitive advantage in doing so or to allow them to continue their practice during any period in which they are in Australia. However, in order to maintain their registration, registered migration agents must comply with the Migration Agents Code of Conduct.