

Migration Institute of Australia Limited (ABN 83 003 409 390)

Migration Agents Registration Authority

FAXED
16 October 2003

Alistair Sands
Secretary
Senate Select Committee on Ministerial Discretion in Migration Matters
The Senate
Parliament House
Canberra ACT 2600
Facsimile: (02) 6277 5809



Dear Mr Sands

The Migration Agents Registration Authority was asked a number of questions on notice during the hearings of the Committee in Sydney on Monday 22 September 2003.

Our responses are:

At MDMM 83 Senator Wong asked:

1. Have you referred, in your regulatory capacity, any matters to DIMIA involving non-agents charging for advice or representation?

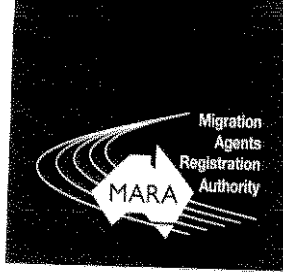
Answer:

Since March 1998 the MARA has referred approximately 220 matters to the DIMIA. The MARA's systems are not able to provide a breakdown of the possible offences to which those matters relate. However, from experience, most of the matters would have involved individuals who are not registered migration agents who charged for advice. Few, if any, of these referrals would have involved allegations of an unregistered individual having charged a fee for making an immigration representation.

At MDMM 84 Senator Wong asked:

2. Does the board acquaint itself with decisions to refer matters to DIMIA for investigation?

Answer: In general the board does not acquaint itself with decisions to refer matters to the DIMIA for investigation. The board has delegated the initial evaluation of such matters to the secretariat, which enters the detail of the complainant, the name of the unregistered person and the date the information is forwarded to the DIMIA into the database. However where during the final processing of the matter there is found amongst the multitude of facets one which may involve unregistered practice which had not been previously detected, the board will direct the secretariat to refer the matter to the DIMIA. The name of the complainant, the name of the unregistered person and the date the information is forwarded to the DIMIA is entered into the MARA database.



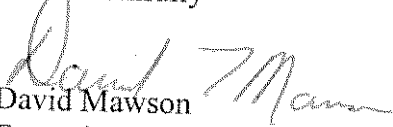
At MDMM84 Senator Wong asked:

3. Perhaps you could take on notice then, the number of matters referred to DIMIA. .. What the nature of the complaints are. Whether there has been any referral for investigation in which it is alleged that payments have been made by a non-migration agent for advice or representation in relation to a migration matter.

Answer:

Since March 1998 the MARA has referred approximately 220 matters to the DIMIA. The MARA's systems are not able to provide a breakdown of the possible offences to which those matters relate. However, from experience, most of the matters would have involved individuals who are not registered migration agents who charged for advice. Few, if any, of these referrals would have involved allegations of an unregistered individual having charged a fee for making an immigration representation.

Yours faithfully


David Mawson
Executive Officer