



Migration Institute
of Australia

SUBMISSION

Migration Amendment (Charging for a Migration Outcome) Bill 2015



The Migration Institute of Australia (MIA) is the national professional organisation for Registered Migration Agents (RMAs). The MIA's membership exclusively comprises registered migration agents. Current registration to practice as an RMA is a prerequisite for MIA membership.

The MIA welcomes the opportunity to provide feedback to the Department of immigration and Border Protection (DIBP) on the important *Migration Amendment (Charging for a Migration Outcome) Bill 2015*.

The MIA fully supports the Minister's initiative in changing the Migration Act 1958 in with this Amendment as an important step in protecting vulnerable visa applicants from exploitation and possible extortion.

Recommendations

The MIA makes the following recommendations:

Recommendation 1

The MIA recommends that the *Migration Amendment (Charging for a Migration Outcome) Bill 2015* as written be adopted.

Recommendation 2

The MIA recommends that widespread media campaigns aimed at educating employers, potential and current visa holders and the general public on the implementation of this Amendment.

Recommendation 3

The MIA recommends that multilingual information be provided to potential sponsors, employers, workers and visa applicants informing them of their obligations and rights, and the criminal and civil penalties arising from paying for migration outcomes.

Recommendation 4

That the difference between receiving a benefit from a sponsorship related event and paying for professional migration advice be clearly distinguished in the information provided through Departmental campaigns.

The Independent review into the integrity of the 457 programme: *Robust New Foundations: A streamlined transparent and responsive system for the 457 programme*, recommended imposing robust penalties and a conviction framework on activities that can be defined as paying for a migration outcome. The MIA strongly supported this recommendation and welcomes the tough stance taken in the Migration Amendment (Charging for a Migration Outcome) Bill 2015. The criminal and civil penalties specified in this Bill send a clear message to those who engage in exploitative behaviours that endanger workers and undermine Australian workplace and migration law.

Recommendation 1

The MIA recommends that the *Migration Amendment (Charging for a Migration Outcome) Bill 2015* as written be adopted.

The MIA is pleased to note the broad range of activities that have been included in the definition of ‘sponsorship related events’ designed to provide migration outcomes and benefits. Anecdotal evidence has long demonstrated that ‘payment for visas’ is commonplace, particularly in the Subclass 457 visa programme.

Over the years the MIA has heard anecdotal reports of payment for visa models, from, at the most basic level, requiring the visa applicant to pay the sponsor’s costs for 457 sponsorship, up to payments of \$250,000 per year which included an amount to ‘recycled’ back as a high income salary that allowed the visa holder to bypass the English language requirement.

Applicants from non-English speaking backgrounds may be among the most vulnerable to this exploitation. The MIA recommends that widespread media campaigns be conducted to inform potential sponsors and visa applicants to inform them of their obligations and rights. The MIA also recommends that the information be provided in common community languages.

Recommendation 2

The MIA recommends that widespread media campaigns aimed at educating employers, potential and current visa holders and the general public on the implementation of this Amendment.

Recommendation 3

The MIA recommends that multilingual information be provided to potential sponsors, employers, workers and visa applicants informing them of their obligations and rights, and the criminal and civil penalties arising from paying for migration outcomes.

The MIA is concerned that the difference between gaining a benefit from a sponsorship related event and paying for professional assistance and visa application charges are clearly differentiated for applicants for the prescribed sponsored visas.

Recommendation 4

That the difference between receiving a benefit from a sponsorship related event and paying for professional migration advice be clearly distinguished in the information provided through Departmental campaigns.