



Submission No 14

Inquiry into Australia's Overseas Representation

Name: Ms Maurene Horder
Chief Executive Officer

Organisation: The Migration Institute of Australia (MIA)
PO Box Q102
QVB NSW 1230

Overview

Broadly speaking, MIA Members find overseas diplomatic posts to be capable distributors of general information about Australia's Migration Program with the demonstrated capacity to handle most enquiries.

While knowledge gaps surely exist, the range of resources available through the Department of Immigration and Citizenship (DIAC) website helps mitigate this issue by providing prospective migrants and visitors comprehensive, accurate and up to date information to complement that provided at these posts.

Similarly, as the Department of Immigration and Citizenship (DIAC) now processes most visa types onshore, relatively few Subclasses fall within the purview of offshore offices.

While much of overseas posts' very limited migration functions are handled professionally and capably, there are some notable exceptions and MIA Members regularly report inconsistent decisions and examples of staff failing to comply with the *Migration Act 1958*. The Institute takes these allegations seriously and conducts regular consultations with DIAC officers on these and other matters.

Training and Resourcing Issues

The Institute would like to see more Australian nationals from the Australian Public Services (APS) engaged at overseas posts to ensure an appropriate knowledge base and to assist in engaging local populations with Australians and Australian culture.

As recommendation may not be practicable, it is essential that locally engaged staff have access to a significant and comprehensive training regime to bring them in line with Australian staff. The need for consistency in decision making is essential in the determination of complex migration matters.

MIA Members frequently report locally engaged staff are uninformed and disinterested or brusque and condescending. While not all issues can be lessened through additional training, it would surely help.

Similarly, Members report ongoing issues with the processing times for several overseas post migration-related functions, particularly with regard to character tests. More than likely, this problem can be attributed to resourcing issues and the Institute would like to see more resourcing directed to overseas posts' migration functions generally.

Federal Government Departments' Relationship with Overseas Posts

The Institute notes and endorses the *Strategic Review of the Student Visa Program 2011* conducted by the Hon Michael Knight AO (the Knight Review) earlier this year, which recommends:

That DIAC Upgrade its liaison at overseas posts with migration and education agents in relation to the student visa program, including regular meetings to keep agents abreast of any changes in rules and procedures.¹

There can be no doubt that the knowledge held by RMAs and EAs could be better leveraged by DIAC overseas (and in Australia, for that matter). These migration professionals are often best placed to provide an immediate and comprehensive resource for overseas posts and prospective migrants and visitors to Australia.

This problem elucidated in the Knight Review cuts both ways, however, as not only do overseas posts often hold a poor understanding of DIAC procedures and processes, but the Department's representatives onshore often do not know of or understand the migration functions of the overseas posts. Here, again, greater training would be of great help at home and abroad.

It is also worth noting that the MIA finds the recent initiative of place the promotion of Australian international education within the Department of Foreign Affairs and Trade (DFAT) arm, Austrade, is a welcome service to advance Australia's standing in this important trade sector that needs to be supported and continued.

Cultural Sensitivity Issues

As Partner and some Visitor visas are the main Subclasses currently processed offshore, many cultural translation issues are no longer relevant. One significant area within which MIA Members report some cultural clashing is in the distribution of information and processing of Partner visa types.

Marriage is a culturally specific institution and amongst most personal and private visa types. It is therefore imperative that overseas posts recognise and utilise Australian cultural paradigms, values and laws when discussing, distributing information and processing Spouse visas. This is particularly true with regard to same sex Partner visa types.

Conclusion

Information technology is a tremendous resource with many applications across all migration functions. Its power and applicability, however, is no replacement for well trained, well resourced human assistance.

Overseas posts are often prospective migrants' and visitors' first interaction with the Australian Government and the Australia people and it is important to both maintain the posts currently operation – particularly if some functions are able to be outsourced to information technology application – and expand where practicable into states where there is currently no representation.

¹ Strategic Review of the Student Visa Program 2011, Recommendation 33, June 2011 [retrieved 30 November 2011, www.immi.gov.au/students/_pdf/2011-knight-review.pdf]