

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 13 February 2006

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(39) Output 1.3: Enforcement of Immigration Law

Senator Bartlett (L&C 39) asked:

In relation to the migration agents integrity measures, I want to get a progress report on how that is going. I have heard you talk a few times about positive progress in identifying a microscopic number of undesirable, misbehaving migration agents. Your annual report mentioned six agents showing the prescribed level of vexatious activity, with one issued a show cause notice. Could you tell us what the outcome was with the show cause person, and also whether there have been any more vexatious alarms going off and any more show cause notices given?

Answer:

Since the introduction of the vexatious activity sanction scheme on 1 July 2004, the deterrent effect of the scheme has exceeded expectations.

Agents with high refusal rates, who breach specified thresholds, are considered to fall within scope of the scheme – i.e. agents who lodge a minimum of 10 visa applications over a six month period and have a 90% refusal rate for Protection visa applications or 75% for other types of visa applications. Once any related merits review applications are finalised, these agents are asked to “show cause” as to why they should not be referred to the Migration Agents Registration Authority (MARA). Their responses are considered and if unsatisfactory, they will be referred to the MARA for sanction, once any related appeals to the courts or the Minister are finalised.

Only six agents have come within the threshold in terms of Protection visa (PV) applications – and only one of these agents continues to do so. No agents have breached the threshold in relation to other types of visa applications.

No further action will be taken by the Department in relation to one of the agents who has been found to have breached the threshold, because the MARA has already cancelled his migration agent registration under its normal discretionary sanction powers

Three agents have been asked to “show cause” and have provided a response, but still have outstanding appeals to the courts or the Minister.

“Show cause” letters are being prepared to send to the remaining two agents, as merits review applications relating to the PV applications that they lodged have only recently been finalised by the Refugee Review Tribunal.