

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING: 9 FEBRUARY 2010**

IMMIGRATION AND CITIZENSHIP PORTFOLIO

### **(71) Program 2.1: Refugee and Humanitarian Assistance**

Senator Hanson-Young asked:

#### Christmas Island

Is there a regulatory framework to ensure that clients are receiving adequate services from migration lawyers? Can clients make complaints about their lawyers? What happens if a client cannot get in contact with their lawyer?

*Answer:*

#### ***Regulatory Framework***

Clients are protected through the safeguards that operate as part of the contractual framework of the Immigration Advice and Application Assistance Scheme (IAAAS), including the contract requirement that all migration agents providing services on behalf of the IAAAS must be registered through the Office of the Migration Agents Registration Authority (MARA) and must comply with its industry Code of Conduct. In addition, the Commonwealth Ombudsman exercises an oversight role over the Refugee Status Assessment (RSA) process on Christmas Island and this represents an additional dimension to the regulatory framework for ensuring that clients get adequate services from their migration agents.

#### ***Complaints***

Migration agents must take each new client carefully through the Client Information Leaflet (at Attachment A), and ensure that the client understands how the IAAAS service works. The agent may use an interpreter as necessary. The Leaflet is also available in the five main asylum seeker languages. The Leaflet is used to explain the IAAAS services in detail while also highlighting the provisions for complaints.

The Leaflet explains how to lodge a complaint and the address to send it to, and expressly states that neither the complaint itself, nor its timing, will affect the decision on whether or not to grant the visa the client seeks. The Leaflet also states clearly that DIAC will investigate the complaint and, where appropriate, will refer the matter to the Office of the MARA. The Office of the MARA will then independently investigate the complaint and take any disciplinary action against the migration agent that it considers appropriate.

#### ***Client / IAAAS Communication***

DIAC case officers assist clients to contact their IAAAS agent in the first instance. Clients are encouraged to bring any issues regarding timely contact with their IAAAS

agent to the case officers' attention promptly. The Department also has a senior Client Services Manager on the Island with oversight communication between clients and migration agents.

IAAAS providers are also contractually obligated to ensure that their clients are kept informed of the progress of their cases.

The Department has a Communication Protocol which clearly establishes the essential framework through which clients can be confident that their agent will be available to speak to them at pre-arranged times with the help of an interpreter. The protocol appears to be working well and improvements will be made if needed.

Christmas Island IAAAS providers have also produced their own information material to describe their agency-specific arrangements for managing the contact between themselves and their clients and communicate this to their clients at their RSA assistance interview and again during, and following, the RSA DIAC assessment interview. As a last resort, a client who is unable to reach their agent could complain to the Commonwealth Ombudsman.