

**QUESTION TAKEN ON NOTICE**

**BUDGET ESTIMATES HEARING: 4 November 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS  
PORTFOLIO

**(94) Migration Agents Registration Authority (MARA)**

Senator Wong

*Qn: How many repeat registration applications were received in the last 12 months.*

For the period 4 November 2002 – 3 November 2003 the total number of repeat registration applications received by the Authority was 2368.

The breakdown is as follows:

Commercial/For-profit migration agents: 2345

Non-commercial/not-for-profit agents: 223

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IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS  
PORTFOLIO

**(95) Migration Agents Registration Authority (MARA)**

Senator Wong

*Qn: Provide a copy of the questions that are asked when an applicant applies for initial registration*

The attached document (Form M01) is the standard application that an applicant is required to submit when applying for initial registration as a migration agent.

In addition, an applicant is required to submit additional documentation in support of their application, including:

- \* Evidence of qualifications / sound knowledge of migration procedure;
- \* Business documentations;
- \* Evidence of Citizenship or residency;



# Migration Agents Registration Authority

Last Modified 26 September 2003

## To: Applicant for Registration

Thank you for downloading this material from our website.

Please read the material carefully.

This package consists of the following elements:

1. This 4 page letter addressed to: 'Applicant for Registration'
2. 9 page form M01
3. 1 page titled 'MARA 0101 Notifiable Events'
4. 1 page titled 'MARA 0103 Applicants who are NOT Australian Citizens'
5. 10 pages titled 'MARA 0107 Prescribed Qualification/Sound Knowledge of Migration Procedure'
6. 1 page titled 'MARA 0104 Disclosure of Bankruptcy in Applications'
7. 1 page titled 'MARA 0105 Disclosure of Findings of Guilt'
8. 1 page titled 'MARA 0106 Requirement to Demonstrate Competence in the Use of the English Language'
9. 7 pages titled 'MARA 2002 Publication of Notice of Intention to Apply for Registration'
10. 1 page titled 'MARA 0001 Photograph Specifications'
11. 1 page titled 'MARA 0109 Professional Library'
12. 4 pages titled 'MARA 0110 Privacy & Disclosing Information'

If you are an individual who has been registered as a migration agent at some time within the 12 months prior to your application to become a registered migration agent you need to be aware that this is not the correct application package for you. Please visit the repeat registration section of our website to determine the correct package for you.

## FURTHER INFORMATION

If you want further information about applying for registration you can call the Migration Agents Registration Authority Information Service on 1902 222 099 between 12.30 pm and 3.00 pm on business days. Calls to 1902 222 099 are charged at \$4.95 per minute including GST, higher from mobile or public telephones. Alternatively, outside and in Australia you can pay for this service through Visa or Mastercard by calling +61 2 9478 7945 between 12.30 pm and 3.00 pm Sydney business days. Calls to the credit card service vary in cost, starting at \$AUD15 for three minutes, depending on the amount of time you purchase.

Our website also has a frequently asked question page for initial registration. If you would like to ask a question through this facility or would like to view other individuals' questions and the answer please visit our website [www.themara.com.au](http://www.themara.com.au). At the bottom of the initial registration page where you requested your application package there is a facility to submit questions.

## WHO NEEDS TO REGISTER

Anyone who uses knowledge of migration procedures to offer advice or assistance to a person wishing to obtain a visa needs to become registered as a migration agent. Anyone who makes representations or



otherwise communicates with the Department of Immigration and Multicultural and Indigenous Affairs for a fee or other reward needs to register as a migration agent.

If you are not a member of the public service and you give immigration assistance as an employee or voluntary worker for another person or organisation or if the immigration assistance is given in the course of or in association with the conduct of a profession or business you must be registered. See section 280 of the *Migration Act 1958* (the 'Act') for further details.

## **BEFORE APPLYING**

Before making an application to become a registered agent you should obtain the following legislation and read it:

1. *Migration Act 1958* (particularly Part 3 of the Act)
2. Migration Agents Regulations 1998
3. Migration Agents Registration Application Charge Act 1997
4. Migration Agents Registration Application Charge Regulations 1998

It is recommended that:

- you discuss your business plan with your accountant
- you talk to your financial adviser about additional financial requirements
- you purchase professional indemnity insurance

## **APPLICATION**

If you decide to become a registered agent you have to:

1. Prove that you have a prescribed qualification OR sound knowledge of migration law/procedure. Note that sound knowledge qualifications are only valid for 12 months after the date of the examination.
2. Prove your proficiency in the English Language.
3. Provide an Australian Federal Police Criminal History Check for all names you have been known by.
4. Publish your intention to become registered in the public notices section of either the Saturday edition of *The Australian Financial Review* or *The Weekend Australian*. (Your notice cannot be more than eight months old at the time of your application.)
5. Complete the M01 form contained in this registration package. You must send all nine pages with 'M01' on the bottom right side of the page. Section 288(2) of the Act requires the application to be in the approved form. Failure to complete and send all nine pages will result in lengthy delays in your application and you may have to download this information again.
6. Provide all of the documentation required as a result of your answers to the questions on form M01; see page 8 of the form for a checklist of attachments.
7. Provide photographs as per the enclosed specifications.
8. Provide a cheque/money order/BPAY® receipt number for the application fee. NB cheques (bank or other) and money orders must be in Australian dollars and payable on an Australian bank or a bank with representation in Australia. ANY money that you send in relation to your application is NOT

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REFUNDABLE under any circumstances. The fee is for the making of the application. If your application is successful you are registered for 12 months from the date the application is approved.

NB Cheques (bank or other) and money orders must be in Australian dollars and payable on an Australian bank or bank with representation in Australia.

9. Send your application to PO Box Q1551, QVB NSW 1230.

**NB: The form M01 must be received by the Authority no later than 60 days after this version is replaced by a later version on the website. See Initial Registration information page on the website. It is suggested that you ensure that the Authority receives this document within 60 days after you have downloaded it.**

## **APPLICATION FEE**

You will be issued a tax invoice/receipt. The tax invoice will show the following details.

ABN 33 380 054 835 – 1 July 2003

For and on behalf of the Department of Immigration and Multicultural and Indigenous Affairs.

A fee for an application for registration is payable by individuals on the making of the application. The fees for an application for registration are specified in the *Migration Agents Registration Application Charge Regulations 1998* (as amended).

The application charge for an individual seeking registration on a commercial or for profit basis, or as a member of, or a person associated with, an organisation that operates on a commercial or for profit basis is \$1,760 inclusive of GST.

The application charge for an individual seeking registration on a non-commercial or not for profit basis, and as a member of, or a person associated with, an organisation that operates in Australia solely on a non-commercial or not for profit basis is \$160 inclusive of GST. You will need to provide documentation from the organisation(s) with whom you intend to operate.

The fee for application for registration may be paid electronically using BPAY® OR else by cheque or money order made payable to the **Migration Agents Registration Authority**. NB Cheques (bank or other) and money orders must be in Australian dollars and payable on an Australian bank or bank with Australian representation.

**THIS FEE IS NOT REFUNDABLE.**

Please include your ABN with your registration application so that we can include this information on your tax invoice/receipt. A second tax invoice/receipt will NOT be issued. A tax invoice/receipt will be sent within one week of receipt of your application.

## **EMAIL ADDRESS**

The Authority is developing its processes to take advantage of new technologies. The Authority will be sending information to the email address that you give. If you do not give an email address, you will not



receive all of the information generated by the Authority. The information sent electronically by the Authority is not sent in any other form.

## **APPROVAL**

When your application is received, it is processed by the Authority's secretariat and submitted to the Authority for consideration.

The standard processing time for an application from our receipt of the application is six weeks.

The Authority recommends that you send your application as soon as you have the entire page which contains your notice of intention. If you do this the processing time can be as little as three weeks after the end of the waiting time prescribed for the advertisement, which is 30 days.

If you do **not** provide all of the information required or provide only the minimal amount of information, your application may be delayed by up to six months (or longer) as the Authority investigates all matters fully.

After your application is **approved**, the Authority:

1. Publishes your registration details on the website at [www.themara.com.au](http://www.themara.com.au) under Register of Agents.
2. Within two weeks after registration will send you a certificate evidencing your registration, two copies of the Code of Conduct and information on the requirements for your Continuing Professional Development program for your repeat registration.

The most efficient way for you to find out if you have been approved is to ensure that you have provided an e-mail address on your application. This is because an e-mail is sent to the email address you provide indicating that your application has been approved. The Authority can not guarantee that you receive this email so it is always advisable to inspect the register of agents at [www.themara.com.au](http://www.themara.com.au) to see whether you are registered if you have not heard from us within six weeks of sending in your application.

## **SENDING YOUR APPLICATION**

The completed Registration Application form, with attachments and either BPAY® receipt number, or cheque or money order for your appropriate application fee should be posted by registered mail to:

### **Migration Agents Registration Authority**


**PO Box Q1551  
QVB NSW 1230  
Australia**



# Application for Registration

## About the information you give

The information you give in this form is required by the Authority to carry out its functions under the *Migration Act 1958*. The information provided will be passed to agencies who are authorised to receive it. Information you provide as part of your application may be given to the Department of Immigration and Multicultural and Indigenous Affairs, and your name, address and date of birth may be given to Dunn and Bradstreet (Australia) Pty Ltd and Lawpoint Pty Limited to gain public information relating to bankruptcy or corporate involvement.

**Attachments:** Wherever your answer to a question has this symbol  next to it, you will need to attach additional information to your application. The required information is shown in the check list on page 8. You may want to remove this page and tick the your required attachments as you complete the form. Before you send your application please check that you have included all your required attachments.

This form is valid for 60 days from the date of the download. You may wish to write the date in the space provided.

Date of download: ...../..... /.....

# Application for Registration

**1** Your Name  
 Mr  Mrs  Ms  Other   
 Family Name(s)  
  
 All given Names

**2** This question relates to your name at **ANY TIME IN YOUR LIFE** and in **ANY COUNTRY**.  
 • Have you ever been known by, or used, any other name?  
 • Have any documents referring to you ever used a different name to that given in Question 1?  
*These could include, but are not limited to: aliases, maiden (family) name, different name(s) at birth, name(s) from previous marriage(s).*

No  **Go to next question**  
 Yes  Give details below. If more than 2 other names, attach details.  
*You must also include ALL these names in your notice of intention to register.*

**1** Family Name(s)  
  
 All given Names  
  
 Reason for change  
 Marriage  Other  Explain reason below  
  
 .....  
 .....

**2** Family Name(s)  
  
 All given Names  
  
 Reason for change  
 Marriage  Other  Explain reason below  
  
 .....  
 .....

**3** Date of birth (day / month / year)

**4** Country of birth

**5** Are you an Australian citizen?  
 No   
 Yes  **Go to 8**

**6** Are you a permanent resident of Australia?  
 No   
 Yes  **Go to 8**

**7** Are you a New Zealand citizen with a Special Category Visa?  
 No  If you answered "No" to questions 5, 6 and 7, please refer to Information Sheet MARA 0103.  
 Yes

**8** Your residential address  
**We need this for the service of documents pursuant to Division 3A of Part 3 of the Migration Act 1958.**

Street address (NOT A PO BOX)  
  
 Suburb / town  
  
 State  Postcode  Country   
 Telephone  Facsimile   
 Mobile phone

**9** Email address (for business purposes)  
  
 Do you want this email address to appear in your entry on the Register of Migration Agents?  
 No   
 Yes



**10 You must answer ALL of questions 10 to 14**

Do you propose to give immigration assistance as a member or employee of a **partnership**?

No  **Go to next question**



Yes  Give the following details of the partnership's business.

**If more than one partnership, please use a photocopy of this page.**

Registered name of the partnership

Street address (NOT A PO BOX)

Suburb / town

State Postcode Country

Telephone

Facsimile

ABN

Web address

**11** Do you propose to give immigration assistance as a director, executive officer, employee or voluntary worker of an **association or incorporated association**?

No  **Go to next question**



Yes  Give the following details of the association's business.

**If more than one association, please use a photocopy of this page.**

Registered name of the association

Street address (NOT A PO BOX)

Suburb / town

State Postcode Country

Telephone

Facsimile

ABN

Web address

**12** Do you propose to give immigration assistance as a director, executive officer, employee or voluntary worker of a **corporation, Solicitor's Corporation or Incorporated Legal Practice**?

No  **Go to next question**



Yes  Give the following details of the corporation's business.

**If more than one corporation in this category, please use a photocopy of this page.**

Business name

Street address where your business will operate (NOT A PO BOX)

Suburb / town

State Postcode Country

Telephone

Facsimile

ABN

Web address

**13** Do you propose to give immigration assistance as an employee of another **individual** (not a company, association or partnership)?

No  **Go to next question**



Yes  Give the following details of your employer's business.

**If more than one business in this category, please use a photocopy of this page.**

The name under which the employer's business will operate

This could be the individual's own name if the name is not registered.

Street address from where your employer will operate (NOT A PO BOX)

Suburb / town

State Postcode Country

Telephone


Facsimile

ABN

Web address

**14** Do you propose to give immigration assistance as a **non-incorporated sole trader**?

No  **Go to next question**

 Yes  Give the following details of your migration agent's business.

**If more than one business in this category, please use a photocopy of this page.**

The name under which your business will operate  
This could be your own name if not a registered business name.

Street address from where your business will operate (**NOT A PO BOX**)

Suburb / town

State Postcode Country

Telephone Facsimile

ABN

Web address

**15** Of the businesses named in questions 10 to 14, which **ONE** do you want listed on the Register of Migration Agents?  
Tick the box for the question number applicable.

10  11  12  13  14


**16** Are you an individual who intends to act on a commercial or for-profit basis, or as a member of or a person associated with, an organisation that operates on a commercial or for-profit basis?

No   
Yes

**17** Do you intend to collect money from clients in advance of work being completed or for disbursements?

No   
Yes

**18** Are you an individual who intends to act on a non-commercial or non-profit basis, and as a member of or a person associated with, an organisation that operates in Australia solely on a non-commercial or non-profit basis?

 No   
Yes

**19** Do you intend to give immigration assistance for which a fee is to be charged?

No   
Yes

**20** Did you answer "Yes" to either question 16 **OR** 19?

No  Give the postal address below for the non-commercial or non-profit organisation in Australia for whom you will give immigration assistance. The address must match the Authority's records for this organisation.

Yes  Give the postal address below to which notices are to be sent.

**If this address is not in Australia, your attention is drawn to point 4 of the Statutory Declaration on page 9 of this form.**


Postal address

Suburb / town

State Postcode Country


**21** Do you work for a government department or agency (Commonwealth, State, Territory or local government)?

No

 Yes

**22** Do you possess a qualification as a Barrister, Solicitor, or Barrister and Solicitor, of the High Court, or of the Supreme Court of a State or Territory of Australia?

No  **Go to next question**


 Yes  Do you possess a practising certificate for any of the qualifications mentioned in 22?

No

 Yes

**23** Have you been **awarded** an Australian Law Degree as defined in Regulation 5(1) and (2) of the Migration Agents Regulations 1998?

No

 Yes

**24** Did you answer "Yes" to either question 22 or 23?

No  **Go to next question**

Yes  **Go to 27**


**25** Did you successfully complete an approved course in migration procedure or an examination conducted by the Migration Institute of Australia Limited prior to 7 August 2003?

No  **Go to next question**

 Yes  **Go to 27**

**26** Did you successfully complete the Migration Advice Professional Knowledge Entrance Examination after 7 August 2003?









No  **If you answered "No" to ALL of questions 22, 23, 25 and 26, you do not qualify for registration as a migration agent. Please do not apply for registration as there can be no refund of your application fee.**








 Yes  **Go to next question**

**27** Have you ever been declared bankrupt?

No

 Yes

- 28** Have you been a director or executive officer of a corporation which became insolvent whilst you were a director or executive officer?
- No
- Yes
- 29** Has there ever been a finding of guilt against you for a criminal offence (except a conviction that is spent under Part VIIC Crimes Act 1914)?
- No
-  Yes
- 30** Are you the subject of any criminal proceedings?
- No
-  Yes
- 31** To the best of your knowledge and belief, have you been, or are you currently, the subject of an inquiry or investigation, including those by
- a Department or agency of the Commonwealth; or
  - a Department or agency of a State or Territory of Australia; or
  - a professional association; or
  - a corporate regulatory agency; or
  - a consumer protection organisation?
- No
-  Yes
- 32** To the best of your knowledge and belief, have you ever been or are you now the subject of a complaint investigated by the Migration Agents Registration Board or Migration Agents Registration Authority?
- No
-  Yes
- 33** To the best of your knowledge and belief, is a professional association taking, or has a professional association taken, any disciplinary action against you?
- No
-  Yes
- 34** Do you **ONLY** intend to give immigration assistance as a Sole Trader?
- No  **Go to 35**
- Yes   Will you have any employees?
- No  **Go to 42**
- Yes  **Go to next question**
- 35** *Before answering questions 34 to 40, you should read sections 278 and 290 of the Migration Act 1958.*
- These questions relate to **ALL employees, employers, partners, directors or executive officers** of the partnership, association, corporation or your own sole trader business.*
- You will need to get information from these people to answer questions 35 to 40.*
- Did you ask the employees, employers, partners, directors or executive officers within the partnership, association, corporation or sole trader business about the matters in questions 35 to 40?
-  No   You will need to attach a statement as to why you did not ask the persons about the matters in these questions.
- Yes

- 36** *If **ANY** employee, employer, partner, director or executive officer does not wish to disclose the answers to these questions to you, they may write directly to the Migration Agents Registration Authority with their answers.*
- Is ANY employee, employer, partner, director or executive officer making a written submission?
- No
- Yes
- 37** To the best of your knowledge and belief, are you aware of any bankruptcy (present or past) of ANY employee, employer, partner, director or executive officer?
- No
-  Yes
- 38** To the best of your knowledge and belief, are you aware of any finding of guilt against ANY employee, employer, partner, director or executive officer for a criminal offence (except a conviction that is spent under Part VIIC Crimes Act 1914)?
- No
-  Yes
- 39** To the best of your knowledge and belief, are you aware of ANY employee, employer, partner, director or executive officer being the subject of an investigation or an inquiry by a professional association, corporate regulatory agency or consumer organisation?
- No
-  Yes
- 40** To the best of your knowledge and belief, are you aware of ANY employee, employer, partner, director or executive officer being the subject of a complaint investigated by the Migration Agents Registration Board or Migration Agents Registration Authority?
- No
-  Yes
- 41** To the best of your knowledge and belief, are you aware of ANY employee, employer, partner, director or executive officer being the subject of an investigation by a Department or Agency of the Commonwealth or a State or Territory of Australia?
- No
-  Yes
- 42** Have you obtained the results of your Australian Federal Police Criminal History Name Check for all names you have been known by or used?
- No   ***This is required before you can apply to be registered as a migration agent. A form can be obtained from [www.afp.gov.au](http://www.afp.gov.au)***
-  Yes

43 Have you met the requirements for the award of a Diploma, Degree or Graduate Certificate from an Australian or New Zealand University?

No

 Yes  **Go to 52**

44 Have you met the requirements for the award of a Diploma or Graduate Certificate from a tertiary institution in Australia or New Zealand?

No

 Yes  **Go to 52**

45 Have you obtained a pass in English in **THE** final year of secondary education in Australia or New Zealand?

No

 Yes  **Go to 52**

46 Have you resided **AND** engaged in education or employment or a combination thereof for ten years or more in the last 20 years in one or more of the selected English speaking countries as listed in Information Sheet MARA 0106?

No

 Yes  **Go to 52**

47 Have you met the requirements for the award of a Diploma, Degree or Graduate Certificate from a country other than Australia or New Zealand where the tuition was in English?

No

 Yes  **Go to 51**

48 Have you obtained a pass in English in **THE** final year of secondary education in a selected English speaking country as listed in Information Sheet MARA 0106?

No

 Yes  **Go to 51**


49 Have you obtained a minimum of an overall band of 6 from an International English Language Testing System (IELTS) test or a computer based score of 213 in Test of English as a Foreign Language (TOEFL) from an approved country as approved in the Gazette for 5A102 of the Migration Regulations 1994?

No


 Yes  **Go to 51**

50 Have you obtained accreditation with NAATI with English listed as a language, within the professional scale as an, Interpreter (Level 3) or Advanced Translator or Conference Interpreter, (Level 4) or Advanced Translator (Senior) or Conference Interpreter (Senior)(Level 5)?

No  **If you answered "No" to ALL of questions 42 to 49, you do not qualify for registration as a migration agent. Please do not apply for registration as there can be no refund of your application fee.**

 Yes  **Go to 51**

51 Were these studies (questions 45 and 46) or was this test (question 47) completed or was this accreditation (question 48) awarded in the last two years?

 No  **You will need to attach details of how your English language skills have been maintained.**

Yes

52 Have you been registered as a migration agent in Australia at any time in the previous twelve months?

No

Yes  **Your application cannot be accepted on this form.**

53 Have you **ever** applied for registration as a migration agent under Australian law?


No  **Go to next question**

Yes  Date(s) of previous application(s)

Registration number(s) or reference number(s)


54 Have you ever given immigration assistance while not registered?

No

 Yes


55 Have you made immigration representations for a fee or reward while not registered?

No

 Yes

56 Have you advertised yourself as giving immigration assistance while not registered?

No

 Yes

57 Have you read and understood Part 3 of the *Migration Act 1958* and the Migration Agents Regulations 1998 containing Schedule 2, the Code of Conduct, and Schedule 1 which details Continuing Professional Development requirements?

No  **You must read and understand these documents before you make your application.**

Yes

58 Will you maintain a professional library as defined in clause 2.5(b) of the Code of Conduct from the date of registration?

No  **You are required by law to maintain a professional library. See Information Sheet MARA 0109 for details of the content of a professional library.**

Yes

59 Do you understand and will you comply upon registration with the requirements of keeping separate accounts for any 'operating account' and your 'clients' account' as defined in Part 7 of Schedule 2 of the Migration Agents Regulations 1998?

No  **You are required to maintain separate accounts by law, see clause 7.1 of the Code of Conduct.**

Yes

**60** Have you published a notice stating your intention to apply for registration?  
No  ***Your application will not be accepted. Please do not apply for registration as there can be no refund of your application fee. See Information Sheet MARA 2002 for details on the requirements for a notice of intention.***

Yes

**61** You are required to attach two passport-sized photographs of yourself taken within the last 12 months, as specified in Information Sheet MARA 0001. A copy of the photograph will be printed on your certificate of registration.

When available, do you wish to have your photograph also displayed on the Authority's web page of the Register of Migration Agents?

No

Yes

**62** The Authority is planning to implement password protected access to controlled areas on its website for migration agents. Please specify a six to twelve character password (this may include letters and digits, must be at least six characters and contain no spaces).

Password

--	--	--	--	--	--	--	--	--	--	--	--	--

**63** Please indicate your method of payment for the (non-refundable) application fee.

cheque

money order

BPAY® Please include a copy of your BPAY receipt in order for your payment to be matched with your application.

NB Cheques (bank or other) and money orders must be in Australian dollars and payable on an Australian bank or banks with representation in Australia.

**Go to next page**

**62** Before you send us your registration application, you will need to attach all required documents. Use the following checklist to ensure that ALL relevant documents are attached before signing the Statutory Declaration and submitting it to the Authority.

**CERTIFIED COPIES**

In some cases you are required to attach a CERTIFIED copy of a document. This is a copy of the document with a certification of its authenticity signed by a person before whom a Statutory Declaration can be made. We suggest that you have such copies certified at the same time as you make the statutory declaration at the end of this form.

Question numbers below refer to your answers to the questions in the form.

- Q2. If Yes; CERTIFIED evidence of use of other names or change of name where those names have been official.
- Q5. If Yes; CERTIFIED evidence of Australian citizenship. Australian Passport photo page preferred
- Q6-7. If Yes; the documents listed in Information Sheet MARA 0103.
- Q10. If Yes; a list of the names of the partners on the partnership's letterhead and a CERTIFIED copy of the current Business Name Registration for the partnership.
- Q11. If Yes; a CERTIFIED copy of the current business name registration for the association.
- Q12. If Yes and organisation is a corporation or Incorporated Legal Practice; a current Australian Securities and Investments Commission (ASIC) search showing names of directors and shareholders. This must be an ASIC "Current and Historical Company Extract", not a certificate of registration or your annual return.  
If Yes and organisation is a Solicitor's Corporation; a CERTIFIED copy of the Certificate of Registration and a statutory declaration declaring that the organisation is a Solicitor's Corporation.
- Q13. If Yes AND business name is registered; a CERTIFIED copy of the current business name registration for EACH business name used.
- Q14. If Yes AND business name is registered; a CERTIFIED copy of the current business name registration for EACH business name used.
- Q18. If Yes AND you are a non-commercial or non-profit agent; details of your role and responsibilities signed by an authorised officer of the non-commercial or non-profit organisation on the organisation's letterhead.
- Q21. If Yes; please provide written confirmation from your employer confirming that it is acceptable for you to give immigration assistance.
- Q22. If Yes; a CERTIFIED copy of your qualification and your practising certificate (if applicable).
- Q23. If Yes; a CERTIFIED copy of your degree. A copy of your academic transcript is not acceptable.
- Q25. If Yes; a CERTIFIED copy of certificate of completion of the course or examination. See Information Sheet MARA 0107
- Q26. If Yes; the certificate evidencing successful completion.
- Q27. If Yes; the documents listed in Information Sheet MARA 0104.
- Q29. If Yes; the documents listed in Information Sheet MARA 0105.
- Q30. If Yes; the documents listed in Information Sheet MARA 0105.
- Q31. If Yes; attach the following information: description of the matter investigated, dates, name of investigative body, results of investigation, letter or other written evidence.
- Q32. If Yes; attach the following information: description of the matter investigated, dates, results of investigation, letter or other written evidence.
- Q33. If Yes; attach the following information: description of the matter, dates, name of professional association, disciplinary action being considered or taken, letter or other written evidence.
- Q35. If No; a statement as to why you did not ask the persons about the matters in the preceding questions.
- Q37. If Yes; attach the following information: name of individual, position within the organisation, brief details about the matter.
- Q38. If Yes; attach the following information: name of individual, position within the organisation, brief details about the matter.
- Q39. If Yes; attach the following information: name of individual, position within the organisation, brief details about the matter.
- Q40. If Yes; attach the following information: name of individual, position within the organisation, brief details about the matter.
- Q41. If Yes; attach the following information: name of individual, position within the organisation, brief details about the matter.
- Q42. If Yes; an **ORIGINAL** copy of your Australian Federal Police Criminal History Name Check completed in the last 12 months. **NB This will not be returned to you.** An application form for this check is available from <http://www.afp.gov.au>.
- Q43. If Yes; a CERTIFIED copy of your qualification. If this is the Australian Law Degree referred to in question 21, only one copy of the qualification is required.
- Q44. If Yes; a CERTIFIED copy of your qualification.
- Q45. If Yes; a CERTIFIED copy of your qualification.
- Q46. If Yes; a Statutory Declaration as described in Information Sheet MARA 0106.
- Q47. If Yes; a CERTIFIED copy of the certification from the relevant Australian assessing authority indicating that the qualification is equivalent to an Australian Diploma, Degree or Graduate Certificate, AND confirmation from the tertiary institution that tuition was conducted in English.
- Q48. If Yes; a CERTIFIED copy of your qualification, AND a letter from the institution confirming that the classes were conducted in English. See Information Sheet MARA 0106 for a list of selected English speaking countries.
- Q49. If Yes; a CERTIFIED copy of your results. See Information Sheet MARA 0106 for a list of selected English speaking countries.
- Q50. If Yes; CERTIFIED evidence from the National Accreditation Authority for Translators and Interpreters of Interpreter (Level 3) or Advanced Translator or Conference Interpreter, (Level 4) or Advanced Translator (Senior) or Conference Interpreter (Senior)(Level 5) accreditation with English listed as a language
- Q51. If No; details of how your English skills have been maintained.
- Q54. If Yes; attach a statement giving details of any immigration assistance given while not registered.
- Q55. If Yes; attach a statement giving details of any representations given for a fee while not registered.
- Q56. If Yes; attach a statement giving details of any advertising for immigration assistance while not registered.
- Q60. If Yes; an **original FULL page** of the newspaper that contained the notice. See Information Sheet MARA 2002
- Q61. TWO passport-sized photographs. On the back of **ONE** of them write the following statement: 'This is a true photograph of' and then include your full name. Below this statement the person who witnessed your statutory declaration needs to place his or her signature.
- Q63. Cheque, money order or BPAY® receipt number for registration application fee (NOT REFUNDABLE).  
NB cheques (bank or other) and money orders must be in Australian dollars and payable on an Australian bank or a bank with representation in Australia.

# Statutory Declaration

This declaration must be made before an authorised person. Please see the *Statutory Declaration Act 1959 (Cth)* for a current list of the authorised persons relevant to your State or Territory. Information on these authorised persons can be found using either of the following web sites: <<http://www.austlii.edu.au>> or <<http://scaleplus.law.gov.au>>

## WARNING

The giving of false or misleading information in this declaration is subject to penalties under the *Statutory Declarations Act 1959*, the *Migration Act 1958* and the Migration Agents Regulations 1998. The *Statutory Declarations Act 1959*, for example, provides for penalties of up to four years imprisonment.

I, (full name of applicant).....

of (address).....

.....

occupation .....

do solemnly and sincerely declare the following:

1. The information I have provided on this form, and any attachments, is complete, correct and up to date in every detail; and
2. I understand that I may not give immigration assistance until I am registered; and
3. I understand that the prescribed fee which I have paid is not refundable after presentation of the financial instrument to the Commonwealth of Australia's designated bank; and
4. I agree that the receipt of notices sent by the Authority ("Authority's Notice") occurs when Australia Post has sent a notice to me that the Authority's Notice is available for collection from the Australia Post office or when received by a facsimile machine at my migration agent's business address or otherwise within seven days of posting by the Authority; and
5. I understand that if I become an 'inactive agent' as defined in Division 3A of Part 3 of the *Migration Act 1958*, I, or my legal personal representative, may be required by the Authority to produce certain documents for two years following my becoming an 'inactive agent' and that a penalty applies for non-compliance; and
6. I confirm that I have arrangements with the executor of my estate to advise the Authority appropriately in the event of my death, so that the Authority can carry out its functions pursuant to section 306E of the Migration Act.
7. Any information I provide to the Authority may be disclosed to the Department of Immigration and Multicultural and Indigenous Affairs for any purpose and I authorise the disclosure of my name, address and date of birth to Dunn and Bradstreet (Australia) Pty Ltd and Lawpoint Pty Limited to gain public information relating to bankruptcy or corporate involvement.
8. I make this solemn declaration by virtue of the *Statutory Declarations Act 1959*, and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

Declared at..... on this..... day of..... 20.....

Signature of Applicant .....

Before me ..... (*signature of person before whom declaration is made*)

Title of authorised person ..... [*as defined in Statutory Declarations Act 1959 (Cth)*]



# Migration Agents Registration Authority

## Information Sheet MARA 0101

### Notifiable Events

Registered migration agents have obligations under section 312(1) *Migration Act 1958*. Section 312(1) provides that:

A registered agent must notify the Migration Agents Registration Authority as soon as is reasonably possible after any of the following events occurs;

- a. he or she becomes bankrupt;
- b. he or she applies to take the benefit of any law for the relief of bankrupt or insolvent debtors;
- c. he or she compounds with his or her creditors;
- d. he or she makes an assignment of remuneration for the benefit of his or her creditors;
- e. he or she is convicted of an offence under a law of the Commonwealth or of a State or Territory;
- f. he or she becomes an employee, or becomes the employee of a new employer, and will give immigration assistance in that capacity;
- g. if he or she is a member or an employee of a partnership and gives immigration assistance in that capacity – a member of the partnership becomes bankrupt;
- h. if he or she is an executive officer or an employee of a corporation and gives immigration assistance in that capacity –
  - i. a receiver of its property or part of its property is appointed;
  - ii. it is placed under official management;
  - iii. it begins to be wound up.

***NOTE: Failure to comply with these notification obligations can result in a fine of up to \$11,000.***





# Migration Agents Registration Authority

## Information Sheet MARA 0103

### Applicants who are NOT Australian Citizens

**ALL applicants for registration MUST be an Australian Citizen, a Permanent Resident, or a New Zealand Special Category Visa holder. The following conditions apply:**

#### 1. PERMANENT RESIDENT

An applicant must be an Australian Permanent Resident (within the meaning of the Regulations). Therefore the holder of a permanent resident visa at the time of application for registration needs to supply

- certified copies of the their Passport's photo page and proof of permanent resident status; and
- a Commonwealth Statutory Declaration which either:
  - confirms that they have been physically present in Australia for 24 months out of the last 60 months; **OR**
  - is a submission confirming that they are 'usually resident'. The submission must be cogent and concise. Factors considered to determine 'usually resident' typically include:
    - physical presence in a particular place
    - intention to treat a place as home
    - family and social ties
    - place of employment
    - property or business interests
    - whether the person maintains a home in Australia
    - indicators such as bank statements, drivers licence
    - person's reasons for being overseas
    - his or her intention to return to Australia
    - where an individual intends to live

Applicants are reminded that the content and structure of their submissions may be taken into consideration with other matters pursuant to section 290(2)(a), 290(2)(b) and 290(2)(h) of the *Migration Act 1958*.

#### 2. NEW ZEALAND SPECIAL CATEGORY VISA (VISA SUB-CLASS 444):

At the time of the decision the holder of the visa must be in Australia. As it is a temporary visa and granted at immigration clearance only, it is not possible for the holder to be offshore. Therefore the holder of a New Zealand Special Category Visa (visa sub-class 444) at the time of the application to register the individual to become a migration agent, needs to supply:

- certified copy of their Passport's photo page; and
- a Commonwealth Statutory Declaration which:
  - confirms that they are physically in Australia; **and**
  - states that they intend to be in Australia at the time of the decision, which should be within six weeks of receipt of the application.



# Migration Agents Registration Authority

## Information Sheet MARA 0107

### Prescribed Qualification/Sound Knowledge of Migration Procedure

In order to be registered as a migration agent, you will need to demonstrate either that you hold a prescribed qualification or that you have sound knowledge of migration procedure, as required by section 290(2)(b) *Migration Act 1958*. You will need to provide the following specific evidence:

1. In relation to the prescribed qualification requirement:
  - a. a certified copy of an Australian law degree, or
  - b. proof of admission to practice before the High Court or a State or Territory Supreme Court in Australia.
2. In relation to sound knowledge of migration procedure the Authority accepts either:
  - a. certified evidence of a pass in the examination conducted by the Migration Institute of Australia Limited completed prior to 7 August 2003 AND within the 12-month period prior to application, or
  - b. certified evidence of successful completion of a course in migration law/procedure approved by the Authority. The following courses have been approved for this purpose and must have been completed prior to 7 August 2003 AND within the 12-month period prior to application:

On the 7 August 2003 the Authority implemented the Migration Professional Knowledge Entry Examination as a replacement for the approved examination conducted by the MIA and the approved courses. It is recommended that applicants complete courses to prepare themselves for the Migration Professional Knowledge Entry Examination. Details of the organisations which are providing entry level courses is available on our website [www.themara.com.au](http://www.themara.com.au).

The following courses were approved until 6 August 2003 as courses in migration law/procedure and must have been completed within the 12-month period prior to application:

Location	Course Name	Features	Provider Details
All States & Territories	Immigration Law for Migration Agents	Correspondence course; self-paced equivalent of one semester; common exam in February, June and November; Option to sit exam as non-student.	<i>Migration Institute of Australia Deakin University</i> PH: 02 9279 3140 FAX: 02 9279 3172 EMAIL: <a href="mailto:info@mia.org.au">info@mia.org.au</a> WEB: <a href="http://www.mia.org.au/deakin.htm">www.mia.org.au/deakin.htm</a>
NSW	Immigration and Citizenship Law	Five-day intensive course (face-to-face instruction) and exam; two courses annually.	<i>Immigration Advice and Rights Centre (IARC)</i> Contact: Yan Ming PH: 02-9281 1609 FAX: 02-9281 1638 EMAIL: <a href="mailto:Yan_Ming_Au@fcl.fl.asn.au">Yan_Ming_Au@fcl.fl.asn.au</a> WEB: <a href="http://www.iarc.asn.au">www.iarc.asn.au</a>
NSW	Australian Immigration Law and Practice – A Training Course for Migration Agents	Intensive mode (face-to-face instruction and exam) Two to three courses annually (subject to demand).	<i>University of New South Wales</i> Contact: CLE Centre PH: 02 9385 2267 FAX: 02 9385 1155 EMAIL: <a href="mailto:cle@unsw.edu.au">cle@unsw.edu.au</a> WEB: <a href="http://www.cle.unsw.edu.au">www.cle.unsw.edu.au</a>
NSW	Citizenship and Immigration Law	Six day intensive course consisting of two Fridays, Saturdays and Sundays of face-to-face instruction and an examination.	<i>University of Technology Sydney (UTS)</i> Contact: Citizenship and Immigration Law Course PH: 02 9514 3444 FAX: 02 9514 3400 EMAIL: <a href="mailto:tbarnes@law.uts.edu.au">tbarnes@law.uts.edu.au</a> WEB: <a href="http://www.law.uts.edu.au/cil">www.law.uts.edu.au/cil</a>

VIC (& QLD subject to Demand)	Immigration and Citizenship Law – Standard and Intensive migration agents training courses	Face-to-face instruction (28–30 hours) and examination; <ul style="list-style-type: none"> <li>ten day intensive course; or</li> <li>eight week course; or</li> <li>ten week course.</li> </ul> Two to three courses annually.	<i>Refugee &amp; Immigration Legal Centre (RILC)</i> Contact: Arthur Kostopoulos PH: 03 9483 1144 FAX: 03 9483 1136 EMAIL: <a href="mailto:training@rilc.org.au">training@rilc.org.au</a> WEB: <a href="http://www.rilc.org.au">www.rilc.org.au</a>
VIC WA NSW	Australian Immigration Law Short Course	Intensive mode lectures and assessment; subject to demand – contact provider	<i>Victoria University of Technology</i> Contact: Bernadine Cammans PH: 03 9688 5083 FAX: 03 9688 5066 EMAIL: <a href="mailto:bernadine.cammans@vu.edu.au">bernadine.cammans@vu.edu.au</a> WEB: <a href="http://www.businessandlaw.vu.edu.au/immlaw">www.businessandlaw.vu.edu.au/immlaw</a>

## Selection of a Course in Migration Law/Procedure

When selecting a course in migration law/procedure it is important that you ensure that it will assist you in starting your career as a migration agent. Your course should cover “Knowledge of Migration Procedure” as mentioned in the diagram below. These are described in more detail in the following pages. In addition it would be of benefit to you to determine whether the course in migration law/procedure covers any of the skill elements which will assist you in establishing a practice. The skill elements are outlined on later pages in this document.

As part of the registration process the Authority may require you to demonstrate your knowledge or skills as outlined in the sections below titled “Knowledge of Migration Procedure” and “Skills relating to the application of knowledge of migration procedure”. Completion of a course in migration law/procedure may not be sufficient for this purpose.

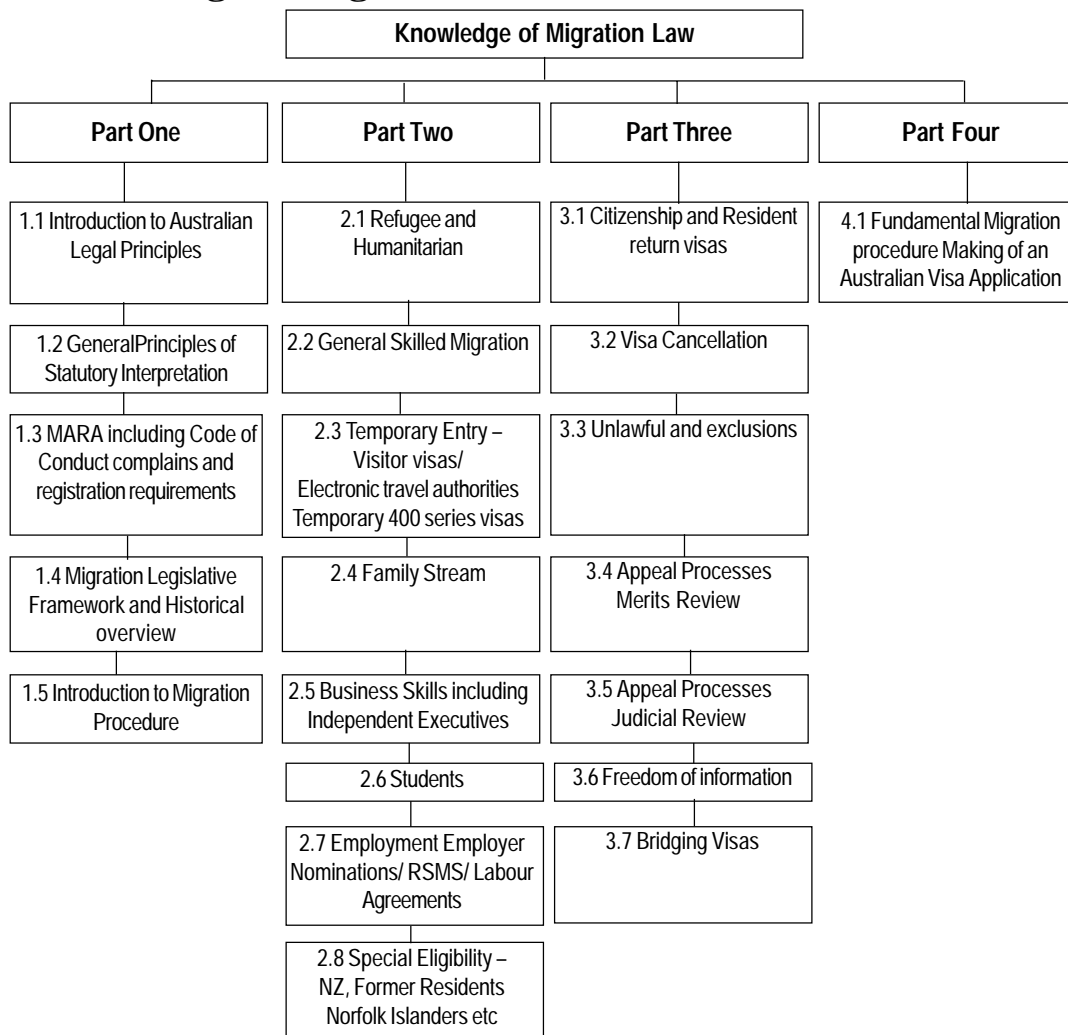
### Knowledge of Migration Procedure

The Authority separates Knowledge of Migration Procedure into four parts.

Part One’s knowledge elements are “structural” in that they require you to have a basic understanding of the legal and political framework within which you will be operating.

The second and third parts of knowledge elements relate specifically to the substance of migration law, policy and procedure.

The fourth part relates to procedure involved in making or reviewing an Australian visa application and should include an overview of substantive visas and how to read a visa.



## Knowledge of Migration Procedure – Part 1

<b>Descriptor</b>	<p>These units deal with the knowledge required to understand and appreciate the Australian Immigration System</p> <p><b>Alternative</b></p> <p>It is essential that an entry level Agent have the knowledge, and values that enable him or her to understand and explain the functions of the Australian Legal System, the Functions of MARA and Migration procedure to the extent expected of an Agent.</p>
<b>Component</b>	<b>Learning Outcomes</b>
<b>Introduction to Australian Legal Principles</b>	<p>Candidates will be able to</p> <ul style="list-style-type: none"> <li>• Understand the fundamentals of the Australian Constitution: separation of powers, the role of the Judiciary vs Role of Parliament, Heads of Power, Power to legislate in respect of Migration and Citizenship</li> <li>• Understand the Court Hierarchy of Federal and State Systems</li> <li>• Explain Legal Precedent: what it is and how it works in the context of immigration law</li> </ul>
<b>General Principles of Statutory Interpretation</b>	<p>Candidates will be able to</p> <ul style="list-style-type: none"> <li>• Explain delegated legislation and policy</li> <li>• Explain how an Act is made, how regulations are made, the effect of disallowances, how policy is made and the interrelationships between them.</li> <li>• Explain basic administrative law, including the role of policy and the distinction between policy and law, merits and judicial review, freedom of information, administrative decision making and natural justice, basic common law principles</li> <li>• Explain basic evidentiary matters including role of expert evidence and weight of evidence</li> <li>• Explain how legislation is constructed and interpreted</li> </ul>
<b>MARA Including Code of Conduct, Complaints and Registration requirements</b>	<p>Candidates will be able to</p> <ul style="list-style-type: none"> <li>• Explain the Migration Agent Regulations</li> <li>• Explain the requirement for and elements of the Code of Conduct</li> <li>• Explain the complaint handling process</li> <li>• Explain the requirements of registration</li> </ul>
<b>Migration Legislative Framework and Historical Overview</b>	<p>Candidates will be able to</p> <ul style="list-style-type: none"> <li>• Explain Migration Law and Practice</li> <li>• Appreciate the history of Migration Legislation</li> </ul>
<b>Introduction to Migration Procedure</b>	<p>Candidates will be able to</p> <ul style="list-style-type: none"> <li>• Explain the Migration Act 1958</li> <li>• Explain the Migration Regulations and the Schedules including the different visa classes and subclasses</li> </ul>

## Knowledge of Migration Procedure – Part 2

<b>Descriptor</b>	<p>These units deal with the knowledge required to understand and appreciate the different types of visa categories.</p> <p><b>Alternative</b></p> <p>It is essential that an entry level Agent have the knowledge, and values that enable him or her to understand and explain to their client the reasoning for selection of a particular type of visa application, to the extent expected of an Agent.</p>
<b>Component</b>	<b>Learning Outcomes</b>
<b>Refugee and Humanitarian</b>	<p>Candidates will be able to</p> <ul style="list-style-type: none"> <li>· Explain the international definitions of a refugee and their applications in Australia</li> <li>· Explain the usage of all refugee and humanitarian visas, onshore and offshore, temporary and permanent</li> </ul>
<b>General Skilled Migration</b>	<p>Candidates will be able to</p> <ul style="list-style-type: none"> <li>· Explain onshore and offshore skilled migration subclasses</li> <li>· Explain Distinguished Talent migration subclasses</li> </ul>
<b>Temporary Entry – Visitor visas/ Electronic travel Authorities/ Temporary 400 series visas</b>	<p>Candidates will be able to</p> <ul style="list-style-type: none"> <li>· Explain the usage of Visitor Visas/ Electronic travel authorities</li> <li>· Explain the usage of transit/border visas</li> <li>· Explain the usage of temporary residents visas, business and other 400 series visas, and diplomatic visas</li> </ul>
<b>Family Stream</b>	<p>Candidates will be able to</p> <ul style="list-style-type: none"> <li>· Explain the range of different visas and the requirements for meeting the criteria for each including: <ul style="list-style-type: none"> <li>– Partner: Spouse/de facto, provisional spouse, prospective spouse and interdependency Child, adopted child, orphan, relative</li> <li>– Parent</li> <li>– Remaining relative</li> <li>– Carer, Aged Dependent Relative</li> </ul> </li> </ul>
<b>Business Skills including Independent Executives</b>	<p>Candidates will be able to</p> <ul style="list-style-type: none"> <li>· Explain the range of different visas and the requirements for meeting the criteria for each including: business owners, senior executives, investment linked business persons, those people with established business in Australia and regional established business in Australia</li> </ul>
<b>Students</b>	<p>Candidates will be able to</p> <ul style="list-style-type: none"> <li>· Explain the range of different student visa subclasses and the requirements for meeting the criteria for each</li> </ul>
<b>Employment: Employer Nominations/RSMS/ Labour Agreements</b>	<p>Candidates will be able to</p> <ul style="list-style-type: none"> <li>· Explain the requirements of the employer nominations, RSMS and labour agreement visa subclasses</li> <li>· Explain employer obligations in these subclasses</li> </ul>
<b>Special Eligibility – NZ, Former Residents, Norfolk Islanders etc</b>	<p>Candidates will be able to</p> <ul style="list-style-type: none"> <li>· Explain special return criteria in relation to former residents</li> <li>· Explain the range of different visas and requirements for New Zealand citizens.</li> </ul>

### Knowledge of Migration Procedure – Part 3

<p><b>Descriptor</b></p>	<p><b>These units deal with the knowledge required to understand and appreciate the cancellation of visas, unlawful entry and the appeals processes.</b>  <b>Alternative</b>          It is essential that an entry level Agent have the knowledge, and values that enable him or her to understand and explain the reasons for failure of visa applications, the resulting consequences and the appeal processes, to the extent expected of an Agent.</p>
<p><b>Component</b></p>	<p><b>Learning Outcomes</b></p>
<p><b>Citizenship and Resident Return Visas</b></p>	<p>Candidates will be able to explain:</p> <ul style="list-style-type: none"> <li>• Resident Return provisions in Schedule 2 – types of RRV's</li> <li>• The review of provisions for refusal of Resident Return visas</li> <li>• Overview of Citizenship legislation and policy</li> <li>• Acquisition of citizenship: by birth, adoption, grant, descent</li> <li>• Special provisions and concessions</li> <li>• Dual citizenship</li> <li>• Loss and resumption of citizenship</li> <li>• Review provisions for refusal of citizenship</li> <li>• Offences</li> </ul>
<p><b>Visa Cancellation</b></p>	<p>Candidates will be able to</p> <ul style="list-style-type: none"> <li>• Explain cancellation provisions under the Migration Act – overseas &amp; in Australia:             <ul style="list-style-type: none"> <li>– Cancellation on character grounds (s.501)</li> <li>– Cancellation for provision of incorrect information (s109)</li> <li>– General power of cancellation (s116)</li> <li>– Cancellation of business visas (s134)</li> <li>– other powers of cancellation eg business sponsorship/ nomination/ visa; employer sanctions</li> </ul> </li> <li>• Consequences of cancellation</li> <li>• Review rights</li> </ul>
<p><b>Unlawful and Exclusions</b></p>	<p>Candidates will be able to</p> <ul style="list-style-type: none"> <li>• Explain Unlawful status and its consequences             <ul style="list-style-type: none"> <li>– Bridging visa scheme</li> <li>– Voluntary departure</li> <li>– Reasons for detention, exclusion, removal, &amp; offences under the Migration Act</li> <li>– Powers of entry, search and seizure</li> <li>– Costs of detention/removal and deportation and recovery of costs</li> <li>– Options for unlawful non-citizens</li> </ul> </li> <li>• Criminal deportation/excluded persons</li> <li>• Explain exclusions from Australia</li> </ul>
<p><b>Appeal Processes – Merits Review</b></p>	<p>Candidates will be able to</p> <ul style="list-style-type: none"> <li>• Explain Merits review             <ul style="list-style-type: none"> <li>– Reviewable decisions by MRT, RRT</li> <li>– Operation of MRT, RRT</li> <li>– Time limits, procedures</li> <li>– Review by the AAT</li> <li>– Ministerial discretion</li> </ul> </li> </ul>

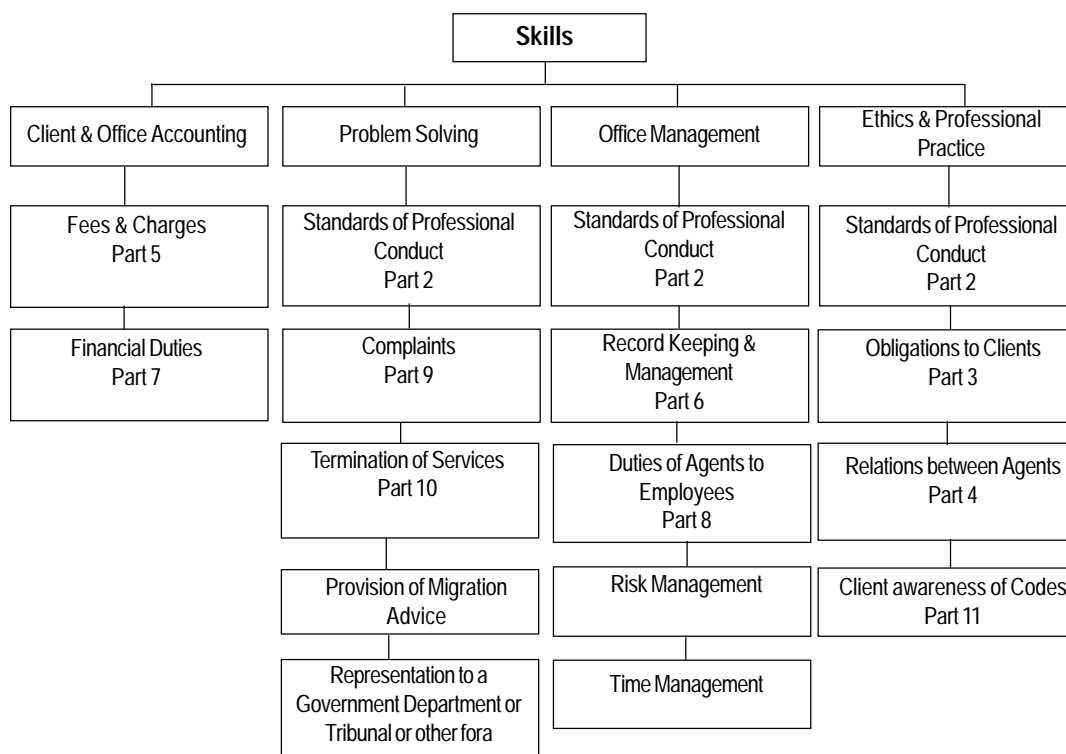
<b>Appeal Processes – Judicial Review</b>	Candidates will be able to <ul style="list-style-type: none"> <li>· Explain judicial review <ul style="list-style-type: none"> <li>– judicially reviewable decisions</li> <li>– AD(JR) Act</li> <li>– Time limits and procedures</li> </ul> </li> </ul>
<b>Freedom of Information</b>	Candidates will be able to <ul style="list-style-type: none"> <li>· Understand relevant FOI legislation, procedure and privacy principles</li> </ul>
<b>Bridging Visas</b>	Candidates will be able to <ul style="list-style-type: none"> <li>· Explain automatic applications</li> <li>· Explain the use of separate applications</li> <li>· Explain different classes of Bridging Visas and their eligibility requirements</li> <li>· Explain Bridging Visa conditions</li> </ul>

#### **Knowledge of Migration Procedure – Part 4**

<b>Descriptor</b>	<p><b>These units deal with the knowledge required to understand and appreciate the procedure involved in making or reviewing an Australian Visa application.</b></p> <p><b>Alternative</b></p> <p>It is essential that an entry level Agent have the knowledge, and values that enable him or her to understand and explain the general concepts and definitions of Visa applications and review applications to the extent expected of an Agent.</p>
<b>Component</b>	<b>Learning Outcomes</b>
<b>Fundamental Migration Procedure – Making or Review of an Australian Visa Application</b>	<p>Candidates will be able to</p> <ul style="list-style-type: none"> <li>· Explain Visa classes and subclasses; overview of substantive visas, how to read a visa</li> <li>· Structure of the regulations</li> <li>· General concepts and definitions <ul style="list-style-type: none"> <li>– Visa application process</li> <li>– Making a valid visa application; <ul style="list-style-type: none"> <li>* <u>Fees and time limits</u></li> </ul> </li> <li>– <u>General requirements for visas:</u> <ul style="list-style-type: none"> <li>* <u>health;</u></li> <li>* <u>character requirements and other public interest criteria;</u></li> <li>* <u>special return criteria and other exclusion periods;</u></li> <li>* <u>Criteria for unlawful non-citizens and bridging visa holders;</u></li> <li>* <u>Sponsorship and Assurance of support;</u></li> <li>* <u>English language education charge</u></li> </ul> </li> <li>– Limitation on further applications, s 48</li> <li>– Sponsorship/ Nomination</li> <li>– Family unit, dependency</li> </ul> </li> <li>· Further applications and Change of status applications</li> </ul>

## Skill relating to the application of knowledge of Migration Procedure

Some courses cover skill elements which will assist you in establishing a practice. These units relate to the professional or ‘vocational skills and attributes’ that are required of you. The skills component encompasses both the ability to communicate effectively with the client and the Department and the ability to run a business, account for monies taken in trust and otherwise act with professional integrity and ethics.



### Unit: Client and Office Accounting

<b>Descriptor</b>	<p><b>These units deal with the knowledge, skills and values required to keep Agent’s client accounts and general accounts.</b></p> <p><b>Alternative</b></p> <p>It is essential that an Agent have the knowledge, skill and values that enable him or her to maintain client and general account records according to law and good practice, to the extent permitted and expected of an Agent.</p>
<b>Component</b>	<b>Learning Outcomes</b>
<p><b>Fees and Charges Part 5 (Code of Conduct)</b></p> <p><b>Financial Duties Part 7 (Code of Conduct)</b></p>	<ul style="list-style-type: none"> <li>• Know how to calculate costs in accordance with law and any agreement between the agent and client</li> <li>• Know how to provide and understand the requirements for an estimate of fees and charges likely to be incurred by a client</li> <li>• Know how to draw up and deliver a bill in conformity with law and good practice</li> <li>• Know how monies received from or on behalf of a client are to be dealt with as required by law or good practice</li> <li>• Understand that the law requires that money must be deposited where appropriate in a client account or operating account and how the deposit is recorded as required by law and good practice</li> <li>• Know how to issue receipts as required by law or good practice</li> </ul>



## Unit: Office Management

<b>Descriptor</b>	<p><b>These units deal with the knowledge, skills and values that Agents need to manage their work and their client's matters.</b></p> <p><b>Alternative</b> It is essential that an Agent be able to manage their workload, work habits, and work practices in a way that ensures that their clients' matters are dealt with in a timely and cost effective manner.</p>
<b>Component</b>	<b>Learning Outcomes</b>
<p><b>Standards of Professional Conduct</b> <b>Part 2</b> (Code of Conduct)</p>	<ul style="list-style-type: none"> <li>• The Agent knows how to identify, and act, according to the ethical standards of the profession in any situation</li> <li>• The Agent can identify duties or obligations placed upon her or him by law as a Migration Agent</li> <li>• The Agent knows how to identify any rules of professional conduct that apply</li> <li>• The Agent knows how to identify any potential or actual conflict and deals with the conflict in a way that accords to law and good practice</li> </ul>
<p><b>Record Keeping and Management</b> <b>Part 6</b> (Code of Conduct)</p>	<ul style="list-style-type: none"> <li>• The Agent should know how to use a file management system that ensures that: work priorities are identified and managed; clients' documents are stored in an orderly and secure manner and the agent is alerted when matters need follow-up or other attention</li> <li>• The Agent is aware of all records that must be included in a client's file including electronic communications and file notes of conversations</li> <li>• The Agent understands when and how to respond to requests from the Authority for information</li> </ul>
<p><b>Duties of Agents to Employees</b> <b>Part 8</b> (Code of Conduct)</p>	<ul style="list-style-type: none"> <li>• Understand the function of work undertaken by support staff</li> <li>• Acknowledge that work undertaken by colleagues and consultants must be completed in a professional manner</li> <li>• Recognise the importance of staff being familiar with the Code of Conduct</li> </ul>
<p><b>Risk Management</b></p>	<ul style="list-style-type: none"> <li>• The Agent should know how to conduct his or her business operations so as to minimise any risk to the client, or firm arising from missed deadlines, negligence or failure to comply with the requirements of law or to relevant government and other agencies</li> <li>• The Agent is able to recognise his or her own limitations and understands when to refer a client or matters to another Agent or other professionals as the circumstances require</li> </ul>
<p><b>Managing Time</b></p>	<ul style="list-style-type: none"> <li>• The Agent understands the importance of using a diary or other system to record time limits or deadlines and to assist him or her to plan their work</li> <li>• The Agent is able to identify conflicting priorities when they arise and when to take action to manage the conflict</li> <li>• The Agent makes effective use of his or her own time to the benefit of the their clients and employer</li> </ul>

## Unit: Ethics and Professional Practice

<p><b>Descriptor</b></p>	<p><b>This unit deals with the knowledge and values required for ethical and professional behaviour in dealing with clients, the courts, the community and other Agents.</b></p> <p><b>Alternative</b></p> <p>It is essential that an Agent be able to demonstrate ethics, a sense of professional responsibility and professional courtesy in all her or his dealings with clients, the courts, the community and other Agents.</p>
<p><b>Component</b></p>	<p><b>Learning Outcomes</b></p>
<p><b>Standards of Professional Conduct</b> <b>Part 2</b> (Code of Conduct)</p>	<ul style="list-style-type: none"> <li>• The Agent knows how to identify, and act, according to the ethical standards of the profession in the situation</li> <li>• The Agent can identify duties or obligation placed upon her or him by law as a Migration Agent</li> <li>• The Agent knows how to identify any rules of professional conduct that apply</li> <li>• The Agent knows how to identify any potential or actual conflict and deals with the conflict in a way that accords to law and good practice</li> </ul>
<p><b>Obligations to Clients</b> <b>Part 3</b> (Code of Conduct)</p>	<ul style="list-style-type: none"> <li>• The Agent is aware of the requirements of confidentiality as required by the circumstances and good practice</li> <li>• The Agent understands the importance of being contactable during business hours</li> <li>• The Agent must be aware of the requirement to provide an interpreter if necessary</li> </ul>
<p><b>Relations between Agents</b> <b>Part 4</b> (Code of Conduct)</p>	<ul style="list-style-type: none"> <li>• The Agent understands how to recognise her or his own limitations and when to refer the client or other matter to other agents, counsel or other professionals as circumstances require</li> <li>• Be aware that dealings between Agents must be fair and honest</li> </ul>
<p><b>Client Awareness of the Code</b> <b>Part 11</b> (Code of Conduct)</p>	<ul style="list-style-type: none"> <li>• The Agent is aware of the responsibilities associated with the publication of the Code of Conduct</li> </ul>



## Unit: Problem Solving

<b>Descriptor</b>	<p><b>These units deal with the knowledge, skills and values that Agents need to provide clients with advice and to solve problems.</b></p> <p><b>Alternative</b></p> <p>It is essential that an Agent should be able to investigate and analyse fact and law, provide Migration advice, be familiar with the Code of Conduct and solve problems in a legal context.</p>
<b>Component</b>	<b>Learning Outcome</b>
<p><b>Standards of Professional Conduct</b></p> <p><b>Part 2</b></p> <p>(Code of Conduct)</p>	<ul style="list-style-type: none"> <li>• The Agent knows how to identify, and act, according to the ethical standards of the profession in the situation</li> <li>• The Agent can identify duties or obligation placed upon her or him by law as a Migration Agent</li> <li>• The Agent knows how to identify any rules of professional conduct that apply</li> <li>• The Agent knows how to identify any potential or actual conflict and deals with the conflict in a way that accords to law and good practice</li> </ul>
<p><b>Complaints</b></p> <p><b>Part 9</b></p> <p>(Code of Conduct)</p>	<ul style="list-style-type: none"> <li>• The Agent is are aware of the necessity to communicate advantages and disadvantages of available dispute resolution options to the client</li> <li>• The Agent knows how to perform his or her role in the dispute resolution process in an effective manner as determined by the circumstances of the matter</li> </ul>
<p><b>Termination of Services</b></p> <p><b>Part 10</b></p> <p>(Code of Conduct)</p>	<ul style="list-style-type: none"> <li>• The Agent is aware of any duty or obligation placed upon her or him in a situation where a client wishes to terminate the instructions</li> <li>• An Agent should understand the entitlements of both client and Agent documents should services be terminated</li> </ul>
<p><b>Provision of Migration Advice</b></p>	<ul style="list-style-type: none"> <li>• The Agent understands the importance of communicating their opinion to the client in a way that their client understands</li> <li>• The Agent must be aware of the importance of being alert to any developments that would affect the client's opinions and the importance of communicating the effect of any such developments to the client</li> <li>• Explain the importance of researching with regard to the Agent's existing knowledge of the relevant law procedure and the circumstances of a particular case</li> </ul>
<p><b>Representation to a Government Department or Tribunal or other fora</b></p>	<p>Candidates will be able to:</p> <ul style="list-style-type: none"> <li>• Identify, collect and analyse facts relevant to the matter</li> <li>• Research questions of migration procedure, having regard to the circumstances of their matter</li> <li>• Apply migration procedure to the facts of the matter in an effective and strategic manner</li> <li>• Understand the relevant etiquette and procedures both written and oral.</li> </ul>



# Migration Agents Registration Authority

## Information Sheet MARA 0104

### Disclosure of Bankruptcy in Applications

The Authority is required to take into account whether an individual is a fit and proper person and with respect to bankruptcy these obligations are set out in sections 290(2)(g), 290(3)(e) and 312(1)(a) of the *Migration Act 1958* (the 'Act').

Applicants who are bankrupt or who have been bankrupt at some time in the past are to provide the following information with their application. Failure to provide all of the requested information may result in significant delays in the processing of the application.

1. Details of the circumstances of bankruptcy, including a Statement of Affairs or similar documents filed with the Federal Court or the Trustee in Bankruptcy that allowed for a public examination of the circumstances, as required under section 54 of the *Bankruptcy Act 1966 (Cth)*. Any signed notes or transcript of evidence would be of assistance.
2. Any decision, finding, final/interim order of a court in respect of the matter
3. Evidence of the discharge from bankruptcy. This is whether it operated:
  - By way of law such as section 149(1) of the *Bankruptcy Act 1966 (Cth)* upon expiration of three years from the date of bankruptcy
  - By order of discharge by the Court – section 150 of the *Bankruptcy Act 1966 (Cth)*
  - By annulment where the slate is wiped clean – section 154 of the *Bankruptcy Act 1966 (Cth)*
4. The existence of any other private financial arrangements such as Part X arrangement, entered into to avoid the stigma of bankruptcy
5. Anything the applicant wishes to say about these events, particularly in relation to the passage of time since the events occurred.

The Authority would remind the applicant of the special responsibility of a Migration Agent and that evidence of the following is also required:

6. Evidence of two accounts (separation of monies into clients' and operating accounts) as required under item 7.1 of the Migration Agents Code of Conduct 1998, if they are to pay application fees on behalf of their clients, OR an undertaking in the form of a Commonwealth statutory declaration that the agent will not deal with client monies.
7. Acknowledgement that the applicant has read the current Code of Conduct, understands its contents in all respects and intends to comply.



# Migration Agents Registration Authority

## Information Sheet MARA 0105

### Disclosure of Findings of Guilt

The Authority is required to take into account whether an individual is a fit and proper person and with respect to a finding of guilt these obligations are set out in section 290(2)(c) of the *Migration Act 1958* (the “Act”).

Applicants who have had a finding of guilt at some time in the past are to provide the following information with their application. Failure to provide all of the requested information may result in significant delays in the processing of the application.

In accordance with the *Crimes Act 1914 (Cth)*, if you have been pardoned or sentenced to imprisonment for less than 30 months and you have not re-offended within 10 years (five years for juveniles), then the conviction is spent and the offence cannot be taken into account and you do not have to disclose that offence on this form. If you have any doubts about your liability to disclose details of offences, you should seek legal advice or contact the office of the Privacy Commissioner on 1300 363 992.

Please provide:

1. Details of the finding of guilt including:  
Offence;  
Date of Offence;  
Date of Sentencing; and  
Penalty imposed, if any;
2. Copies of any receipts in relation to fines or other similar matters; and
3. Copy of judgement, if any; and
4. Any other information which may assist the Authority in consideration of your application.



# Migration Agents Registration Authority

## Information Sheet MARA 0106

### Requirement to demonstrate competence in the use of the English language

An individual who is applying for initial registration as a migration agent must demonstrate that he/she is a competent user of the English language. Questions 42 to 48 on page five of the M01 form will assist you in determining whether you meet the requirement.

Further information on IELTS can be found at [www.ielts.org](http://www.ielts.org).

#### SELECTED ENGLISH-SPEAKING COUNTRIES

- |                                    |                   |                      |                                      |                                 |
|------------------------------------|-------------------|----------------------|--------------------------------------|---------------------------------|
| 1. Antigua and Barbuda             | 12. Fiji          | 27. Malta            | 39. Saint Kitts and Nevis            | 49. Trinidad and Tobago         |
| 2. Australia                       | 13. Gambia        | 28. Marshall Islands | 40. Saint Lucia                      | 50. Uganda                      |
| 3. Bahamas                         | 14. Ghana         | 29. Mauritius        | 41. Saint Vincent and the Grenadines | 51. United Kingdom              |
| 4. Barbados                        | 15. Grenada       | 30. Namibia          | 42. Samoa                            | 52. United Republic of Tanzania |
| 5. Belize                          | 16. Guinea-Bissau | 31. Nauru            | 43. Sierra Leone                     | 53. United States of America    |
| 6. Botswana                        | 17. Guyana        | 32. New Zealand      | 44. Singapore                        | 54. Vanuatu                     |
| 7. Brunei Darussalam               | 18. India         | 33. Nigeria          | 45. Solomon Islands                  | 55. Zambia                      |
| 8. Cameroon                        | 19. Ireland       | 34. Pakistan         | 46. South Africa                     | 56. Zimbabwe                    |
| 9. Canada                          | 20. Jamaica       | 35. Palau            | 47. Swaziland                        |                                 |
| 10. Dominica                       | 21. Kenya         | 36. Panama           | 48. Tonga                            |                                 |
| 11. Federated States of Micronesia | 22. Kiribati      | 37. Papua New Guinea |                                      |                                 |
|                                    | 23. Lesotho       | 38. Philippines      |                                      |                                 |
|                                    | 24. Liberia       |                      |                                      |                                 |
|                                    | 25. Malawi        |                      |                                      |                                 |
|                                    | 26. Mali          |                      |                                      |                                 |

These countries are identified by the United Nations website as having English as a major language.

Webpage: [www.un.org/Pubs/CyberSchoolBus/infonation/e\\_infonation.htm](http://www.un.org/Pubs/CyberSchoolBus/infonation/e_infonation.htm)

#### COUNTRIES AS APPROVED IN THE GAZETTE FOR CLAUSE 5A102 OF THE MIGRATION REGULATIONS 1994

##### For Computer Based TOEFL Test

- |          |         |             |            |
|----------|---------|-------------|------------|
| Cameroon | Ecuador | Kazakhstan  | Tanzania   |
| Croatia  | Jordan  | Switzerland | Uzbekistan |

#### 10 YEARS IN A SELECTED ENGLISH SPEAKING COUNTRY

You will need to provide a Commonwealth Statutory Declaration including ALL of the following information (even if the number of years is zero):

- confirming that you have been employed or educated or both for 10 out of the last 20 years in one or more of the selected English speaking countries (see list above); **and**
- specifying the selected English speaking country/countries you have been employed within and the duration of that employment within the last 20 years; **and**
- specifying the selected English speaking country/countries you have been educated within and the duration of that education within the last 20 years; **and**
- confirming that you are a competent user of the English language, meaning that as a minimum you generally have effective command of the English language despite some inaccuracies, inappropriacies and misunderstandings; **and**
- confirming that you can use and understand fairly complex language, particularly in familiar situations, including Migration Procedure as defined in s275 of the *Migration Act 1958*.



# Migration Agents Registration Authority

## Information Sheet MARA 2002

### Publication of Notice of Intention to Apply for Registration

**Each individual must prepare a separate notice of intention. Group notices are not allowed by the legislation as it stands at 1 April 1998.**

The Migration Agents Registration Authority (the 'Authority') must not consider a registration application unless the applicant has published notice of his or her intention to apply as per subsection 288(1A) of the *Migration Act 1958* (the 'Act') and given the Authority appropriate evidence of the published notice.

Section 288(5)(b) of the Act requires you to give the Authority evidence of the publication of your notice of intention. The Authority prefers to receive the entire original page on which your public notice appeared.

You must publish your intention to become registered in the public notices section of either the Saturday edition of *The Weekend Australian Financial Review* or *The Weekend Australian*. The notice cannot be more than eight months old at the time your application is received by the Authority and must include the details required by the *Migration Agents Regulations 1998*.

An extract for Regulation 4 appears below.

- (1) For subsection 288(1A) of the Act, the individual must publish the notice in the way set out in this regulation.
- (2) The notice must include the following information about the individual:
  - (a) full name;
  - (b) any other name by which he or she is or has been known;
  - (c) address for correspondence;
  - (d) the physical address of any place at which the individual intends to practise as a migration agent;
  - (e) if the individual intends to work as an employee:
    - (i) the employer's business name (if any); and
    - (ii) the employer's name and address for correspondence; and
    - (iii) the employer's business address;
  - (f) if the individual does not intend to work as an employee:
    - (i) the business name (if any) that the individual is proposing to use; and
    - (ii) the individual's name and address for correspondence; and
    - (iii) the individual's business address.

(1) The notice must also state the address for correspondence of the Migration Agents Registration Authority.

(2) However, subregulations (2) and (3) do not require the agent to include the same address more than once.

In order to assist you in writing your own notice of intention the Authority has developed a series of QUESTIONS and a FORM which appear on the following pages.

# QUESTIONS

1. What is your full name?

2. This question relates to your name at **ANY TIME IN YOUR LIFE** and in **ANY COUNTRY**.

- Have you ever been known by, or used, any other name?
- Have any documents referring to you ever used a different name to that given in question 1?

**These could include but are not limited to: aliases, maiden (family) name, different name(s) at birth, name(s) from previous marriage(s), anglicised names, nicknames.**

3. Do you propose to give immigration assistance as an employee, voluntary worker for or member of a **partnership**?

- No, go to next question  
 Yes, please provide the following details

Registered name of the partnership (business name)

Physical Address

Suburb/Town

State

Postcode

Country

4. Do you propose to give immigration assistance as an employee, voluntary worker, director or executive officer of an **association or incorporated association**?

- No, go to next question  
 Yes, please provide the following details

Association Name (business name)

Physical Address

Suburb/Town

State

Postcode

Country

5. Do you propose to give immigration assistance as an employee, voluntary worker, director or executive officer of a **corporation or solicitor's corporation or Incorporated Legal Practice or government department/agency**?

- No, go to next question  
 Yes, please provide the following details

Corporation Name or Government Department Name

Corporation Trading Name (business name)

Physical Address

Suburb/Town

State

Postcode

Country

6. Do you propose to give immigration assistance as an employee or voluntary worker of **another individual** (not a company, association or partnership)?

- No, go to next question  
 Yes, please provide the following details

The name under which the employer's business operates. (business name)

Physical Address

Suburb/Town

State

Postcode

Country



7. Do you propose to give immigration assistance as a **non-incorporated sole trader**?

- No, go to next question  
 Yes, please provide the following details

The name under which your business will operate.  
(business name)

Physical Address

Suburb/Town

State

Postcode

Country

8. Are there any other physical address(es) where you intend to practise as a migration agent which you have not mentioned in questions 3 to 7?

Physical Address (1)

Suburb/Town

State

Postcode

Country

Physical Address (2)

Suburb/Town

State

Postcode

Country

9. Does the business have a correspondence address which is different to any of your answer(s) to questions 3 to 8?

- No, go to next question  
 Yes, please provide the following details

Postal Address (1)

Suburb/Town

State

Postcode

Country

Postal Address (2)

Suburb/Town

State

Postcode

Country

10. What is your address for correspondence?

Physical or Postal Address

Suburb/Town

State

Postcode

Country

11. Is the address you provided in answer to question 10 the same address as any other address provided in questions 3 to 8?

- No, you will need to include this address in your notice of intention.  
 Yes, you will not need to include this in your notice of intention as you will already be including this address and there is no need to include an address more than once.

## FORM for developing your notice of intention

NB. If you end up with a notice of intention which does not include either “practising under the name of” or “as an employee of” then it will not be a valid notice of intention. We suggest that you fill in this form again.

<b>INSTRUCTIONS</b>	<b>TEXT TO USE IN YOUR NOTICE OF INTENTION</b>
<i>You must include this text</i>	<b>I,</b>
<i>Write the name you wrote in answer to question 1 in the space opposite</i>	
<p><i>If you answered yes to question 2, use the text “, also known as” and then list all of your answers to question 2 in the space below the text opposite.</i></p> <p><i>If you answered no to question 2 don’t include the text “,also known as” in your notice of intention. That is cross out “, also known as” in the space opposite</i></p>	<b>, also known as</b>
<i>If your answer to question 11 was NO write the correspondence address you wrote in question 10 after the text “, of” as appears opposite. If you answered YES to question 11 don’t include the text “, of” in your notice of intention. That is, cross out “, of”</i>	<b>, of</b>
<i>You must include this text</i>	<b>, intend to apply for registration as a migration agent in Australia</b>
<p><i>If you answered yes to question 3 write the business name after the words “practising under the name of”.</i></p> <p><i>If you answered yes to questions 4 or 5 and you are NOT an employee or voluntary worker of the business then write the business name after “practising under the name of”</i></p> <p><i>If you answered yes to question 6 write the business name after the words “practising under the name of”.</i></p> <p><i>If you answered yes to question 7 and</i></p> <ul style="list-style-type: none"> <li>- <i>you supplied a business name which is NOT your own personal name write the business name after the words “practising under the name of”.</i></li> <li>- <i>you are operating your business under your own personal name cross out “practising under the name of” and write “under my own name.” only</i></li> </ul> <p><i>If none of the above apply to you don’t include the text “practising under the name of” in your notice of intention. That is cross out “practising under the name of”.</i></p>	<b>practising under the name of</b>

If you answered yes to question 3 and you are an employee or voluntary worker of the partnership write the name of the partner who is responsible for correspondence after the words “as an employee of”.

If you answered yes to question 4 and

– you are an employee or voluntary worker and the Association is not incorporated write the name of the partner who is responsible for correspondence after the words “as an employee of”

– you are an employee or voluntary worker and the Association is incorporated there is no need to include any other name. Please cross out as “an employee of”. If you answered yes to question 5 and you are an employee or voluntary worker write the name of the corporation or Solicitor’s Corporation or Incorporated Legal Practice after the words “as an employee of” BUT if you intend to give immigration assistance under a business name and that business name is owned by a corporation or Solicitor’s Corporation or Incorporated Legal Practice you will need to include both the corporation and trading names in your notice of intention. For example: if the company was called ABC Pty Ltd and its trading is Abacus Migration you would write “as an employee of ABC Pty Ltd trading as Abacas Migration”.

If you answered yes to question 6 and the business name is not your employer’s own name write the name of the individual who is employing you, that is the name of the individual who owns the business name after the words “as an employee of”.

If you answered yes to question 7 there is no need to include the text “as an employee of” in your notice of intention. That is **CROSS OUT** “as an employee of” in the space opposite.

If you are **NOT** an employee or voluntary worker of the business (partnership, association, incorporated association, corporation, solicitor’s corporation, incorporated legal practice) don’t include the text “as an employee of” in your notice of intention. That is **CROSS OUT** “as an employee of” in the space opposite.

Write the addresses you wrote in answer to questions 3–8 after the word “at”.

**as an employee of**

Write the correspondence address or addresses you wrote in answer to question 9 after the word “and”.

You must include this text:

**at**

**and**

**. Any person who objects to my registration as a migration agent must lodge their objection in writing with the Migration Agents Registration Authority, PO Box Q1551, QVB NSW 1230, within 30 days of publication of this notice.**

## Sample Form

Below is an example of what a form might look like if filled in by an employee of a corporation which trades under a different registered business name and an unincorporated sole trader operating under a registered business name at her home address.

<b>EMPLOYEE</b>	<b>SOLE TRADER</b>
<b>I,</b>	<b>I,</b>
Joan Anne Georgina Mary Citizen	Joan Anne Georgina Mary Citizen
<b>, also known as</b> Joan Anne Georgina Mary Jones	<b>, also known as</b> Joan Anne Georgina Mary Jones
<b>, of</b> PO Box 123	<del><b>, of</b></del>
<b>, intend to apply for registration as a migration agent in Australia</b>	<b>, intend to apply for registration as a migration agent in Australia</b>
<b>practising under the name of</b>	<b>practising under the name of</b> ABC Migration
<b>as an employee of</b> XYZ Migration Pty Limited trading as XYZ Migration	<b>as an employee of</b>
<b>at</b> 10 Smith Street, Sydney	<b>at</b> 1 Sample Road, Canberra ACT 2600.
<b>and</b> PO Box 000, Sydney NSW 2000	<b>and</b>
<b>. Any person who objects to my registration as a migration agent must lodge their objection in writing with the Migration Agents Registration Authority, PO Box Q1551, QVB NSW 1230, within 30 days of publication of this notice.</b>	<b>. Any person who objects to my registration as a migration agent must lodge their objection in writing with the Migration Agents Registration Authority, PO Box Q1551, QVB NSW 1230, within 30 days of publication of this notice.</b>

## Sample notices as they would look published:

Below is what the above examples would look like when published.

I, Joan Anne Georgina Mary Citizen, also known as Joan Anne Georgina Mary Jones, of PO Box 123, intend to apply for registration as a migration agent in Australia as an employee of XYZ Migration Pty Limited trading as XYZ Migration at 10 Smith Street, Sydney and PO Box 000, Sydney NSW 2000. Any person who objects to my registration as a migration agent must lodge their objection in writing with the Migration Agents Registration Authority, PO Box Q1551, QVB NSW 1230, within 30 days of publication of this notice.

I, Joan Anne Georgina Mary Citizen, also known as Joan Anne Georgina Mary Jones, intend to apply for registration as a migration agent in Australia practising under the name of ABC Migration at 1 Sample Road, Canberra ACT 2600. Any person who objects to my registration as a migration agent must lodge their objection in writing with the Migration Agents Registration Authority, PO Box Q1551, QVB NSW 1230, within 30 days of publication of this notice.

# **WAYS TO SAVE MONEY**

## **On your Notice of Intention**

### **Helpful Hints**

The legislation does not require you to put a title on your notice of intention. **SAVE** money by not requesting a title.

The legislation does not allow more than one individual per notice of intention. If you publish a joint notice the Authority will require you to republish. **SAVE** money by not doing a joint notice of intention.

Have another person check your notice because if you make a mistake you will have to republish your notice of intention. **SAVE** money by getting someone to check that you have correctly put together your notice of intention.

## Information Sheet MARA 0001

## PHOTOGRAPH SPECIFICATIONS

- size not smaller than 35 x 45mm, not larger than 40 x 50mm
- good quality colour with no ink or marks on the image
- image not too dark, not too light
- image not too close, not too distant
- image in front of a plain, light-coloured background
- full front view of your head and shoulders
- your eyes open
- if glasses worn, your eyes clearly visible
- no head covering (if you wear a head covering for religious reasons, we will accept a photograph which shows your facial features)
- sharply focused, not blurred or unclear

For photographs taken with digital or video camera:

- The paper used must be good quality (ie equivalent or near to photographic paper)
- your skin tones must be natural (ie not too much of one colour, eg yellow or red)
- the contrast and resolution must not be grainy
- be advised that digital or video camera photographs usually reproduce as a low quality grainy photograph or with excessive moire effects.

**Note: The quality of the photograph on the certificate of registration will reflect the quality of the photograph provided. Photographs with a matt finish usually reproduce without blemishes. Photographs with a gloss finish tend to reproduce with blemishes created by the gloss. If the photograph is stapled or bent through the use of a paperclip the quality of the reproduction is significantly reduced. It is suggested that you place the photograph in a small envelope and attach the envelope to the application form. Any marks on the the photograph, including staple holes etc, result in a poor quality reproduction on the certificate.**

✗ too far away



✗ too light



✓ acceptable



✗ too dark



✗ unnatural colour





# Migration Agents Registration Authority

## Information Sheet MARA 0109

### Professional Library

Once you are registered as a migration agent the law requires you or your employer to maintain a professional library to which you have access. This is pursuant to clause 2.5 of Schedule 2 to the Migration Agents Regulations 1998. A professional library must be kept on site at your place of business and consists of:

- (1) Current version of the *Migration Act 1958*
- (2) Current version of the Migration Regulations 1994
- (3) Current versions of other legislation relating to migration procedure (including Government Notices Gazette and legislation relating to the regulation of migration agents)
- (4) Ministerial Directions
- (5) Portfolio Policies and procedures including the PAMS (Procedure Advice Manual) and MSI (Migration Series Instructions) .

The Law Book Company (LBC) immigration service contains all of the above five services and offers installation and training on the software provided.

The Butterworths Loose-leaf Service can replace the: (1) Migration Act, (2) the Migration Regulations and (3) other legislation relating to migration procedure and (4) Ministerial Directions.

(5) PAMS and MSI are available from the Australian Government Bookshop or from Ausinfo on a subscription basis.

Capital Monitors supplies gazetted information and general information for migration agents.

Contact details for these organisations is listed below:

<b>Ausinfo</b> toll free:	132 447	<a href="http://www.bookshop.gov.au">www.bookshop.gov.au</a>
<b>Butterworths</b> phone:	1800 648 825	<a href="http://www.butterworths.com.au">www.butterworths.com.au</a>
<b>Capital Monitors</b> phone:	02 6273 4899	<a href="http://www.capmon.com.au">www.capmon.com.au</a>
<b>LBC</b> phone:	1800 650 522	<a href="http://www.lbc.com.au">www.lbc.com.au</a>



# Migration Agents Registration Authority

## Information Sheet MARA 0110

### Privacy & Disclosing Information

If you are required to answer Questions 33 to 39 of the Application form you will need to obtain information from persons related to you by employment (see section 278 of the *Migration Act 1958* for a definition of relationship by employment). It is important that you are aware that if you choose not to answer these questions and you are required to do so then your application cannot be considered by the Authority.

Section 278 of the *Migration Act 1958* states that “For the purposes of this Part, an individual is ***related by employment*** to another individual if:

- (a) one individual is employed by the other; or
- (b) they are executive officers of the same corporation; or
- (c) they are members of the same partnership; or
- (d) one individual is an employee of a corporation and the other is:
  - (i) an employee of the corporation; or
  - (ii) an executive officer of the corporation; or
- (e) one individual is an employee of a partnership and the other is:
  - (i) an employee of the partnership; or
  - (ii) a member of the partnership.

This information gathered through these questions is required by the Authority in order to determine whether section 290(1)(c) of the *Migration Act 1958* prohibits the Authority from registering you as a migration agent.

When reading the form you will note that the questions will require that you ask various questions of your employer, employee/s, director/s or partners (the type and number of people you need to ask will depend on your business structure).

Section 290(3) requires that the Authority must consider the matters asked in Questions 33 to 39 of the Application form, which are:

- (a) any conviction of the individual of a criminal offence (except a conviction that is spent under Part VIIC of the *Crimes Act 1914*);
- (b) any criminal proceedings that the individual is the subject of;
- (c) any inquiry or investigation that the individual is or has been the subject of;
- (d) any disciplinary action that a professional association is taking, or has taken, against the individual;
- (e) any bankruptcy (present or past) of the individual.

Some applicants have indicated that they have concerns regarding inquiring into the privacy of individuals related to them by employment. As noted above this information is required to be collected by law and is held at the Commonwealth standard of “in confidence”. The information may be released to the Department of Immigration and Multicultural and Ethnic Affairs and is otherwise only released when required by law.





You may find it easier to ask these questions if you show the page with the questions on it to that person and indicate that it is a requirement of filling in the application form that you ask these questions. You should advise the individual you are asking that they may reply directly to the Authority.

If the person related by employment to you answers yes to you then you must attach brief details of the matter to your application.

If the person related by employment to you should want to reply directly to the Authority then he or she will need to send in a submission in the form of the statutory declaration as attached. Brief details about any matter to which he or she answers yes must be attached to the statutory declaration. The statutory declaration and any attachments should be sent to:

Registration Clerk  
Migration Agents Registration Authority  
PO Box Q1551  
QVB NSW 1230

As a note where an applicant has submissions being sent in by persons related by employment to the applicant the consideration of your application may be delayed.



## Statutory Declaration

This declaration must be made before an authorised person. Please see the Statutory Declaration Act 1959 (Cth) for a current list of the authorised persons relevant to your State or Territory. Information on these authorised persons can be found using either of the following web sites: <<http://www.austlii.edu.au>> or <<http://scaleplus.law.gov.au>>

### WARNING

The giving of false or misleading information in this declaration is subject to penalties under the Statutory Declarations Act 1959, the Migration Act 1958 and the Migration Agents Regulations 1998. The Statutory Declarations Act 1959, for example, provides for penalties of up to four years imprisonment.

I, (full name of declarant).....

of (address).....

.....  
occupation.....

do solemnly and sincerely declare the following:

1. This is a statement made with regards to <INSERT THE APPLICANT'S NAME> application to become a migration agent; AND
2. I am related by employment to the applicant; AND
3. My answers to questions 35 to 39 are as follows:
  - I have/have not been declared bankrupt; <IF YOU HAVE THEN YOU MUST ATTACH BRIEF DETAILS> and
  - There has/has not been a finding of guilt against me for a criminal offence (except a conviction that is spent under Part VIIC Crimes Act 1914); <IF THERE HAS THEN YOU MUST ATTACH BRIEF DETAILS> and
  - I am/am not subject to any criminal proceedings; <IF YOU ARE THEN YOU MUST ATTACH BRIEF DETAILS> and
  - To the best of my knowledge and belief, I have/ have not been the subject of an investigation or an inquiry by a professional association, corporate regulatory agency or consumer organisation; <IF YOU HAVE THEN YOU MUST ATTACH BRIEF DETAILS> and
  - To the best of my knowledge and belief, I have/ have not been the subject a complaint investigated by the Migration Agents Registration Board or Migration Agents Registration Authority; <IF YOU HAVE THEN YOU MUST ATTACH BRIEF DETAILS> and
  - To the best of my knowledge and belief, I have/ have not been the subject an investigation by a Department or Agency of the Commonwealth or a State or Territory of Australia; <IF YOU HAVE THEN YOU MUST ATTACH BRIEF DETAILS> AND



4. If the Authority finds that pursuant to section 290(1)(c) of the Migration Act 1958 that I am not a person of integrity and that I am related by employment to the applicant and therefore considers that the applicant should not be registered because of that finding then I agree that the Authority may advise the applicant of that finding,
  - when informing the applicant pursuant to section 309(1) of the Migration Act 1958; and
  - when informing the applicant of any refusal of registration pursuant to section 295 of the Migration Act 1958.
5. I understand that if the applicant is refused registration and one of the grounds for refusal is the fact that I am not a person of integrity and that I am related by employment to the applicant that the applicant may apply to the Administrative Appeals Tribunal for a review of that decision and that the information upon which the Authority based its decision may become public through that forum; AND
6. I understand that any information provided to the Authority may be disclosed by the Authority to the Department of Immigration and Multicultural and Indigenous Affairs or when required by law to do so; AND
7. I make this solemn declaration by virtue of the Statutory Declarations Act 1959, and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

Declared at.....on this.....day of.....,20....

Signature of Declarant.....

Before me.....  
*(signature of person before whom declaration is made)*

Title of authorised person .....  
*[as defined in Statutory Declarations Act 1959 (Cth)]*

**QUESTION TAKEN ON NOTICE**

**BUDGET ESTIMATES HEARING: 4 November 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS  
PORTFOLIO

**(96) Migration Agents Registration Authority (MARA)**

Senator Wong

*Qn: How many instances of side transactions, where there have been a conflict of interest, have the MARA become aware of?*

There were 17 complaints received by the Authority involving allegations of a conflict of interest since March 1998.

## QUESTION TAKEN ON NOTICE

**BUDGET ESTIMATES HEARING: 4 November 2003**

### IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

#### **(97) Migration Agents Registration Authority (MARA)**

Senator Wong

*Qn: Provide a list of the various grounds of application for initial or repeat registration in the last financial year and the year to date and of the grounds of rejection.*

#### **Initial Registrations**

<b>Period</b>	<b>Number of App.</b>	<b>Applications approved</b>	<b>Number refused.</b>
FY 1/7/02 – 30/6/03	772	677	10
1/7/03 – 19/11/03	313	308	2

#### **Reasons for Approval**

Applications were approved as they were found to have met the requirements for initial registration under section 288. That is:

- 1) Submitted the correct application form;
- 2) Paid the correct application charge;
- 3) Published a notice of intention in the prescribed way;
- 4) Met the requirement for citizenship or permanent residency;
- 5) Met the sound knowledge requirements;
- 6) Met the English language requirements; and
- 5) The Authority was not prohibited by section 290, 291, 292, 293, 294 from registering the applicant.

<b>Reasons for refusal</b>	<b>Number</b>	
	<b>FY 1/7/02-30/6/03</b>	<b>1/7/03 – 19/11/03</b>
Not a person of integrity: criminal conviction	1	0
Not fit and proper: lack of sound knowledge	0	0
Not fit and proper: non-commercial or non-profit	1	0
Not fit and proper: unregistered practice	3	0
Not fit and proper: breaches of code of conduct	n/a	n/a
No response to requests for information	3	1
s290A Continuing Professional Development	n/a	n/a
s294 permanent residency	2	1
<b>TOTAL</b>	<b>10</b>	<b>2</b>

### **Repeat Registration:**

<b>Period</b>	<b>Applications Received</b>	<b>Applications Approved</b>	<b>Applications Refused</b>
FY 1/7/02 – 30/6/03	2462	2285	19
1/7/03 – 19/11/03	1032	994	7

#### **Reasons for Approval**

Applications were approved as they were found to have met the requirements for repeat registration. That is:

- 1) Submitted the correct application form;
- 2) Paid the correct application charge;
- 3) Met their obligations for Continuing Professional Development;
- 4) The Authority was not prohibited by section 290, 290A, 291, 292, 293, 294 from registering the applicant.

<b>Reasons for refusal</b>	<b>Number</b>	
	<b>FY 1/7/02-30/6/03</b>	<b>1/7/03 – 19/11/03</b>
Not a person of integrity: criminal conviction	0	0
Not fit and proper: lack of sound knowledge	1	0
Not fit and proper: non-commercial or non-profit	3	1
Not fit and proper: unregistered practice	0	0
Not fit and proper: breaches of code of conduct	1	2
No response to requests for information	5	1
s290A Continuing Professional Development	4	1
s294 permanent residency	5	2
<b>TOTAL</b>	<b>19</b>	<b>7</b>

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 4 November 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(98) Output RRT: Refugee Review Tribunal**

Senator Wong (L&C 37) asked, "How many applications for judicial review were remitted to the High Court?"

*Answer:*

The High Court remitted 17 applications to the RRT between 1 July 2002 and 30 June 2003 and 4 applications to the RRT from 1 July 2003 to 31 October 2003.

The High Court remitted 566 applications to lower courts between 1 July 2002 and 30 June 2003. In addition, DIMIA has advised a further 1,354 applications relating to the Muin and Lie class action were remitted to lower courts for determination. The High Court remitted 78 applications to lower courts between 1 July 2003 and 21 November 2003.

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 4 November 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(99) Output RRT: Refugee Review Tribunal**

Senator Wong (L&C 37) asked, "How many court cases were remitted back to the RRT for a further hearing on the initial decision?"

*Answer:*

From 1 July 2002 to 30 June 2003 a total of 65 cases were remitted to the RRT from all courts. During the period from 1 July 2003 to 21 November 2003 a total of 41 cases were remitted to the RRT from all courts.



## **QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 4 November 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(100) Output RRT: Refugee Review Tribunal**

Senator Wong (L&C 37) asked, "What is the status of the East Timorese applications?"

*Answer:*

During the 2002-2003 financial year, 649 East Timor cases were lodged with the Tribunal. Of the 457 cases finalised in the previous financial year, 420 were affirmed, 34 were withdrawn, 2 were set aside, and in 1 case, the RRT found it had no jurisdiction to determine the matter.

During the current financial year, 3 East Timor cases have been lodged with the RRT. As at 21 November 2003, there were 16 active cases before the Tribunal (1 awaiting the DIMIA file and 15 with Members). Of the 195 cases finalised during the 2003-2004 financial year, 182 have been affirmed and 13 withdrawn.

**QUESTION TAKEN ON NOTICE**

**SUPPLEMENTARY BUDGET ESTIMATES HEARING: 4 November 2003**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

**(101) Output RRT: Refugee Review Tribunal**

Senator Wong (L&C 39) asked, "What was the price per case over the last three financial years?"

*Answer:*

The price per case as contained in the RRT's purchasing agreement with the Department of Finance and Administration over the last three financial years was as follows:

- \$3,216 per decision (2000-2001)
- \$3,216 per decision (2001-2002)
- \$3,419 per decision (2002-2003).

The RRT would like to correct the evidence which the Registrar, Mr J Lynch, provided to the Committee on 4 November 2003 at page 39 of the Hansard regarding the current price per case, which is accurately stated above as \$3,419 per decision rather than \$3,415 per case.