

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 21 OCTOBER 2008

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

##### (5) Output : Internal Product

Senator Barnett (L&CA 7) asked:

Provide the details of the 21 sanctions.

*Answer:*

1. South, Judith - On 6 August 2007 the Authority decided to suspend the agent. The reason was that she failed to respond to requests for information. The suspension will be lifted when, among other things, the agent provides the requested information.
2. Sassine, Rosaline - On 6 August 2007 the Authority decided to bar the former agent from re-entering the profession for a period of 5 years. The Authority was satisfied that the former agent had breached clauses 2.1, 2.8 and 2.23 of the Code of Conduct whilst registered. This resulted from the former agent misleading her client and failing to respond to the Authority's requests for information
3. Ryvchin, Michael - The MARA received a complaint about the Agent's conduct as a migration Agent. MARA was satisfied that:
  - the Agent gave his clients incorrect advice
  - the Agent encouraged his clients to give false information to the MRT
  - the Agent failed to enter into a service agreement with his clients and failed to provide them with a statement of services
  - the Agent failed to keep file notes.

The MARA decided to suspend the Agent's registration. The suspension will be lifted after six months have passed and the Agent has met a number of conditions.

4. Eyeson-Annan, John - On 12 November 2007 the Authority decided to suspend the agent for 24 months and until certain conditions were met. The basis for the decision was that the Authority was satisfied that the Agent fabricated documents in order to mislead it. The Agent was also found to have breached numerous clauses of the Code of Conduct, relating to financial and file management
5. Chacko, Roy - The MARA received complaints from the Department of Immigration and Citizenship (DIAC) alleging that the Former Agent had lodged no less than 26 visa applications on behalf of his clients containing false information and documents. The MARA is satisfied that the complaints are

made out and the Former Agent has breached Clauses 2.1, 2.6, 2.7, 2.9, 2.14A and 2.23 of the Code of Conduct. The MARA decided to bar the Former Agent from being registered as a migration agent for a period of five years.

6 Bowler, Gregory - Note: On 27 November 2007 the suspension was lifted, as the Agent met the imposed conditions. On 12 November 2007 the Authority decided to suspend the Agent. The reason was that he failed to respond to requests for information and failed to respond to a complaint against him. The suspension will be lifted when, among other things, the Agent responds to the complaint against him.

7 Lu , Hao - MARA was satisfied that the Agent:

- failed to exercise control of his office as he ought to have been aware that unregistered assistance was occurring and should have taken reasonable steps to prevent this occurring
- did not maintain client files securely and confidentially
- did not have a clients' account.

MARA was also satisfied that the Agent breached his notification obligations under the Code of Conduct in failing to inform MARA that his association with a not-for profit organisation had ceased. MARA decided to suspend the Agent's registration for a period of 12 months and until certain conditions are satisfied

8 Du, John Qun - On 17 December 2007 the Authority decided to suspend the Agent for a minimum period of 12 months. The Authority was satisfied that the Agent failed to have effective control of his office and failed to abide by his financial obligations under the Code of Conduct.

9 Meng, Thao - Note: On 13 August 2008 the Agent met the imposed conditions and the caution was lifted. On 13 February 2008 the Authority decided to caution the Agent for at least 6 months, as it was satisfied that he had breached clauses 2.1, 2.3A, 2.4 and 6.1 of the Code of Conduct. The breaches resulted from poor advice provided by the Agent

10 Kuperman , Michael - The MARA received a complaint about the Agent's conduct as a migration agent. MARA was satisfied that:

- the Agent did not deal with his clients competently diligently and fairly
- the Agent failed to provide sufficient relevant information to the DIAC to allow a full assessment of the facts against the relevant criteria
- the Agent disclosed confidential information about his clients to a third party without the written consent of his clients.

The MARA decided to caution the Agent. The caution will remain on the register of migration agents for a period of six months and until the Agent has completed private tuition in file management.

11 De Vere, Gary - On 13 February the Authority made the decision to caution the Agent for a minimum period of six months and until he has completed four

hours of private tuition in Ethics and Skilled Migration. The reason for this decision was that the Agent failed to provide his clients with proper advice relating to subclass 880 Skilled-Independent Overseas Student visa applications, and therefore lodged two invalid applications.

12 Ahmed, Khairunnisha - On 13 February 2008 the Authority made a decision to bar the former registered agent from the profession for 5 years. The Authority was satisfied that whilst registered the former agent accepted money from 2 clients, failed to perform the services agreed upon and failed to refund the money. In doing so, she breached clauses 2.1, 2.8 and 2.23 of the Code of Conduct.

13 Leyes, Maria - The MARA received two complaints about the Agent's conduct as a migration agent. MARA was satisfied that:

- the Agent did not deal with her clients competently diligently and fairly
- the Agent failed to follow her client's instructions
- the Agent failed to notify her client in writing of the outcome of his visa application
- the Agent failed to provide her clients with a statement of services.

The MARA decided to caution the Agent. The caution will remain on the register of migration agents for a period of 12 months and until the Agent has completed private tuition in ethics, skilled migration and file management.

14 Ocon, Bertram - Agent was found to have not treated his client fairly by failing to provide a refund when the client was entitled to one. Further, during the investigation into this matter the agent was found to not be operating a clients' account in accordance with the Code of Conduct, did not provide his client with a copy of the IRMAP, failed to include an 11.3 statement in his contract and did not provide his client with a statement of services.

15 Obial Garcines, Rosalinda - On 14 May 2008 a decision was taken to suspend the Agent for a period of 2 years. The Authority was satisfied that the Agent breached numerous clauses of the Code of Conduct, resulting from her departure from her last employer and taking no steps to ensure the interests of her clients were taken care of.

16 Luo, Xiaowen - Note: On 26 June 2008 the suspension was lifted, as the agent met the imposed conditions. On 14 May 2008 a decision was taken to suspend the Agent until she completes private tuition in ethics. The Authority was satisfied that, at this time, the Agent is not a person of integrity and is also not a fit and proper person to provide immigration assistance. This resulted from her conduct at her former employer, where she allowed unregistered practice to occur.

17 Whinney, Lisa Mary - On 11 June 2008 a decision was made to suspend the Agent until she met certain conditions. The Authority was satisfied that the Agent failed to respond to requests for information.

- 18 South, Judith - On 11 June 2008 a decision was made to suspend the Agent's registration for a period of 2 years, as the Authority was satisfied that the Agent was not a fit and proper person to provide immigration assistance. This was based upon a finding that the Agent had demonstrated a pattern of conduct of failing to respond to the Authority and her clients.
- 19 Nani, Maria - Please note: the agent has appealed this decision to the AAT. On 11 June 2008 a decision was made to cancel the Agent's registration. The Authority was satisfied that the Agent was not a person of integrity nor a fit and proper person to provide immigration assistance. The Authority based this decision on findings that the Agent fabricated file notes and misled it.
- 20 Bae, Tae Bum - On 11 June 2008 the Authority made a decision to bar the former agent from being a registered migration agent for a period of 5 years. The Authority was satisfied that the Agent provided forged certificates to Trades Recognition Australia (TRA) on behalf of one of his clients, resulting in a finding of guilt of two charges of using false papers under section 234 of the Act.
21. Chen, Grace – On 11 June 2008 the Authority suspended the agent for failure to respond to requests for information by the MARA. The agent provided the requested documentation the following day and the suspension was lifted