

Factsheet

Making a complaint against a migration agent



This factsheet looks at the procedures available when you have a dispute with your migration agent, and what to look for when selecting a migration agent to act for you.

I am unsatisfied with the service and/or advice with that my migration agent has provided me. What should I do?

Step 1: Contact the migration agent.

If you are not happy with the service or advice provided to you by a migration agent, you should first contact the agent to give them a chance to solve the problem.

Registered migration agents are required by their Code of Conduct to respond properly to a complaint by a person about the work or services carried out by the migration agent or the agent's employee.

You should do the following when contacting your migration agent about a problem:

- Clearly describe the problem and tell them what you would like to achieve.
- Keep copies of all written correspondence, such as emails and letters.
- Make notes of all phone conversations and meetings, including in your notes information such as:
 - the date of the conversation or meeting,
 - who you spoke to,
 - how long the conversation or meeting lasted,
 - what the conversation or meeting was about, and
 - any other information you might think is relevant.

Step 2: Make a complaint to a complaint-handling agency.

If contacting your migration agent does not solve the problem, you should make a complaint to an

agency or authority that can deal with your complaint. Read the information below to find the agencies that may be appropriate or suitable for your complaint.

Does my migration agent need to be registered?

You should only seek migration advice from a migration agent who is registered with the Office of Migration Agents Registration Authority. Under Australian migration law, it is illegal to give advice about migration without being registered with MARA.

Before using the services of a migration agent, and for your own protection, you should always check to see if your migration agent is registered. You can do this by asking to see their certificate of registration (which has their photograph on it), or by searching their name in the [Register of Migration Agents](#), which can be found at www.mara.gov.au.

Registered migration agents are bound by a Code of Conduct, are required to have in-depth knowledge of Australian migration law and procedure, and must meet high professional and ethical standards.

What agency is in charge of registering migration agents?

The Office of Migration Agents Registration Authority (MARA) is an Australian government agency that regulates the giving of migration services and advice. MARA provides a list of registered migration agents and deals with complaints about the services of registered migration agents, or of migration agents who have been registered in the past.

How do I make a complaint about a registered migration agent or a formerly registered migration agent?

If your migration agent is a registered migration agent, or was a registered migration agent within the past 12 months, you can make a complaint to the Office of Migration Agents Registration

Authority (MARA).

You can check to see if your migration agent is registered by searching the [Register of Migration Agents](#), or if your migration agent has been registered within the past 12 months by searching the list of [Former Registered Agents](#). Both of these lists can be found at the MARA website (www.mara.gov.au).

You can bring your complaints to MARA by:

- Telephone: 1300 226 272
- Email: info@mara.com.au
- Online complaint form available at www.mara.gov.au
- Mail: Office of the MARA, PO Box Q1551, QVB, NSW 1230, Australia.

For more information about making a complaint to MARA, visit www.mara.gov.au.

It is important to bear in mind that MARA only has the power to punish the migration agent by:

- informally counselling the agent;
- cautioning the agent;
- suspending the agent's registration for a period of time;
- cancelling the agent's registration; or
- if the agent is no longer registered, barring the agent from being registered.

What if my agent is not registered or is a formerly registered agent who has not been registered for more than 12 months?

It is illegal in Australia to give advice about migration without being registered with MARA. Heavy penalties apply for giving immigration assistance without being registered.

If you have been receiving immigration advice from an agent who is not registered, you should report the agent to the Department of Immigration and Citizenship (DIAC) by:

- calling the telephone dob-in line: 1800 009 623, or
- using the [online feedback form](#) available from the DIAC website.

For more information, go to the [DIAC website](#) or click <http://www.immi.gov.au/visas/migration-agents/reporting-problems.htm>.

What if my migration agent is also an Australian Legal Practitioner (a lawyer)?

You can also make a complaint to the Office of the Legal Services Commissioner (OLSC). Before making a formal complaint, you should first make call the OLSC. The telephone inquiry line staff will discuss with you whether the OLSC can handle your complaint and how to use the OLSC services, including how to make a formal complaint.

Call the OLSC on (02) 9377 1800 or 1800 242 958. For more information visit the OLSC website at <http://www.lawlink.nsw.gov.au/olsc>.

My migration agent is not performing the services that I paid for. How do I get my money back?

If your migration agent is not performing the services that you have agreed to or have paid for, you should make a complaint to NSW Fair Trading. You can bring your complaint by filling out an online complaint. For more information, visit the NSW Fair Trading website at www.fairtrading.nsw.gov.au, phone NSW Fair Trading on 13 32 20, or visit your nearest Fair Trading Centre.

You can also contact your relevant community legal centre or find a private lawyer for advice on what to do.

What do I do if I believe that my migration agent is carrying out a scam or fraud?

You should contact the police to report fraud, a scam or any other sort of criminal conduct. You should also report the migration agent to the Department of Immigration and Citizenship (DIAC) by:

- calling the telephone dob-in line: 1800 009 623, or using the [online feedback form](#) available from the DIAC website.

If the migration agent is a registered migration agent or is a former migration agent, you should make a complaint to the Office of Migration Agents Registration Authority (MARA). See above at 'How do I make a complaint about a registered migration agent or a formerly registered migration agent?'

Will making a complaint affect the outcome of my visa application?

No, making a complaint about your agent has no effect on the outcome of your visa application or review application.

What if I think my personal information is being used for the wrong purposes?

You can make a complaint to the Privacy Commissioner if you think that your personal information has been misused by an Australian agency or a private sector organisation.

For more information, visit the website of the Privacy Commissioner at <http://www.privacy.gov.au>.

How do I choose a migration agent?

Under Australian migration law, migration agents must be registered with the Office of Migration Agents Registration Authority (MARA) in order to give advice about migration matters. To find registered migration agents, use the [Register of Migration Agents](#), which is available online on the MARA website at www.mara.gov.au.

MARA also publishes an informative Consumer Guide that provides information on how to choose a migration agent and how to make the most of the services that a migration agent can provide. You can find more information on [how to choose a migration agent and the MARA Consumer Guide](#) at the MARA website at www.mara.gov.au.

It is important to bear in mind that you do not have to go through a migration agent to lodge a visa application with the Department of migration agent will not change the how your application will be decided by the DIAC.

How do I know how much I should pay a migration agent for their services?

There are no set fees for migration agents, however, the fees charged by registered migration agents should be reasonable. The Office of Migration Agents Registration Authority (MARA) publishes the [range of fees](#) charged by most (70%) migration agents. You can refer to the range of fees to give you an idea of how much you should be paying for the services of a registered migration agent.

As at 9 November 2011, the range of fees for the following services are:

Agent Fee Data - 1 July 2011 to 30 September 2011		
Permanent Residency Services	Employer Sponsored Migration	\$2,500 - \$5,000
	General Skilled Migration	\$1,500 - \$3,850
	Business Skills Entry	\$3,300 - \$10,000
	Partner Migration	\$1,500 - \$3,500
	Child Migration	\$1,500 - \$3,500
	Parent Migration	\$1,500 - \$3,500
	Other Family Migration	\$1,650 - \$3,500
	Special Migration	\$2,000 - \$5,000
	Humanitarian Offshore	\$1,000 - \$4,000
	Onshore Protection	\$1,500 - \$4,500
Temporary Residency Services	Students	\$500 - \$1,999
	Temporary Business	\$1,800 - \$4,400
	Temporary Non-business	\$550 - \$3,000
Other	Review Application	\$1,400 - \$4,000
	Other	\$500 - \$3,000

[Source: <https://www.mara.gov.au/Consumer-Information/What-does-it-cost-to-use-an-Agent-/default.aspx>]

Acknowledgement: much of the substantive content of this factsheet was obtained from the website of the Australian Government Office of the Migration Agents Registration Authority. For more information see www.mara.gov.au.

Produced by Redfern Legal Centre. This factsheet is no substitute for legal advice. If you have a problem please seek legal advice from your local community legal centre.

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